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# VINDICATION

OF THE

Corporation *and* Test Acts.

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A N S W E R

T O T H E

Bishop of *Bangor's* REASONS

For the REPEAL of Them.

To which is added,

A S E C O N D P A R T,

Concerning the

RELIGION *of* OATHS.

By *THO. SHERLOCK*, D. D. Dean of  
*Chichester*, and Master of the *Temple*.

The S E C O N D E D I T I O N, Corrected.

L O N D O N:

Printed for J. PEMBERTON at the *Buck* over-  
against St. *Dunstan's* Church in *Fleetstreet*.

M D C C X V I I I.

[Price One Shilling and Six Pence.]

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INDICATION

OF THE

CONSTITUTION AND

IN

THE NEW

TO THE

Bill of Rights

For the Relief of

to which is added

SECTION OF PARL.

Containing the

RELIGION OF

THE BILL OF RIGHTS, &c.

The Second Edition, Corrected.

BY W. D. O. M.

Printed for J. Richardson at the Bell over  
against St. James's Church in Strand.

MDCCLXXIII.

[Price One Shilling and six pence]





T H E

P R E F A C E.



*I* is now, I think, agreed on all Hands, that the Design of the Bishop of Bangor's Sermon before the King, was to make way for the Repeal of the Test Act: His Lordship seems to own this in his Answer to the Representation. And however he has, with more than Christian Prudence, avoided declaring his own Opinion in many things laid to his Charge in the Representation; yet in this Particular he has spoke out, and is willing to be understood by all.

This; together with other Reasons, which every Reader knows as well as I; has induced me to enter into the Consideration of this Point; hoping, that a clear State of this Case might be of service to the Friends of our Constitution, and guard them against the Prejudices, and popular Outcries, raised against those Statutes; which are the Security of the Establish'd Church; and the Envy of those who hate it.

## THE P R E F A C E.

*The Corporation and Test Acts, and others of the like kind, were founded upon the Experience the Nation had of the Spirit and Temper of the many Sectaries amongst us. This made it impossible to avoid speaking of that Behaviour of Dissenters, which gave occasion to these Acts: But I have endeavoured so to speak of it, as to give no just Offence: And if any shall mislike the calling to mind, even in the tenderest manner, the Miscarriages of former Times, let him consider who are to blame; whether those who defend the Constitution; or those who by their violent Attack upon it, have made such Defence necessary.*

*It was once in my Thoughts to have considered all the incapacitating Laws; as well those relating to Papists, as those relating to Dissenters of all sorts; and to have shewn the common Reason in which they are founded: But I declined this part of the Argument, that I might not give a Pretence to the lovers of Scandal to raise a Clamour, as if an odious Comparison was intended, between Papists, and Protestant Dissenters.*

*I do not pretend to hope, that all the Care I have taken, or can take, will stop the Mouths of the Enemies of our Constitution; but I have laid in for my self this Comfort, under all the Reproaches I am to expect, that I have not deserved them; and after this Point secured, I hope I may, without being charged with Pride and Arrogance, have leave to say, that I shall not value them.*

*In*



## THE PREFACE

*In the Second Part I have examined his Lordship's Reasonings, brought to shew how little Religion is concerned in Oaths: I was chiefly moved by two Considerations so to do.*

1. *This Point about the Religion of Oaths is connected to the Case of the Test Act, and is part of that Controversy; and ought therefore to attend upon it.*

2. *I was willing to give the Reader a Specimen of the Bishop's Fairness, and good Reasoning, in this Controversy. The whole Answer to the Representation is so made up of Art, Disguise, Complaints, and bitter Insinuations against the Clergy; that whoever shall attempt to reply to it step by step; will find himself in a very low, and yet very tedious Employment. The World will soon be tired of a Controversy, that rises to no higher a Point, than, I did not mean so; and, You did mean so: And a Writer must be at a great loss to spend his time, who can be willing to pursue such Trifles thro' a Quire of Paper.*

*I will give the Reader an Instance of his Lordship's Art and Disguise, in a very material Point; and upon which one half of the Controversy turns.*

*The Bishop's Sermon was partly intended to rectify the abuse of words in matters of Religion; especially of the word Church; which had been so altered and diversify'd, that it conveyed very wrong notions to the minds of Christian People. This he professes to be his design; It is with this view, says the Bishop, that I have chosen*



## THE PREFACE.

chosen those words, in which our Lord himself declared the Nature of his own Kingdom\*. *Two things then he had to do; to set aside the corrupted Notions of the Church, and to introduce the true one: These two things he does attempt to do. Let the Reader now consider, whether his Lordship, when he sets forth the true notion of the Church, in order to remove the false ones, must not necessarily speak of one and the same sort of Church: For to give a man a true notion of one sort of Church, can never rectify his Mistakes about another sort of Church; no more than the description of an Elephant can convey the true image of a Whale. The Committee of Convocation understood his Lordship to speak of the same sort of Church in both cases; viz. of the visible Church; and they found his true notion of a Church (as he calls it) to be inconsistent with the very being of a visible Church: His Lordship, I suppose, upon consideration found so too; and yet he was to answer the Representation. What does he do then? Why he roundly affirms, that what he said, about inconsistent Images, by daily additions, united in the notion of the Church of Christ, related to modern Notions — of particular Churches, i. e. visible Churches; for all particular Churches are such, pag. 80. — But as to his true Notion of a Church, he professes That he pretends in those words to describ*

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\* Sermon, pag. 10.

## THE PREFACE.

No OTHER but the UNIVERSAL invisible Church, pag. 79.

So then by this account, his Lordship, in order to rectify the Mistakes about particular visible Churches, gives us a true notion of the Universal Invisible Church: Tho' if I may have leave to guess, the Bishop's great concern was to be invisible himself; and to hide from the Eyes of the World, what he was ashamed to own and defend. This ill-applied distinction is the foundation of his Answer to the first charge in the Representation; and the Reader may judge of the Answer by seeing the ground on which it stands.

But his Lordship not content thus to misrepresent himself, and to take shelter in the darkness which he spreads around him; is perpetually lamenting over the Frailties of those Christian Divines who found any thing to dislike in his performances. To complain, to pity, to lament, are, you know, most tender things, and such as will make Women and Children cry. What advantage are such Tears in a Controversy about the Powers of the Church, and of the Christian Magistrate! and how decently does his Lordship call out for such assistance.

But mistake not, Reader; his Lordship can do more than complain. These Lamentations often end in the bitterest reflections:

— Ha nuga seria ducunt

In mala: —

I will



## THE PREFACE.

I will transcribe one passage from his Lordship, that the World may judge from what Spirit it proceeds, pag. 58.

“ I confess my self surprized and astonished  
“ in a very particular manner, at this part of  
“ the Representation; and cannot but stop a  
“ few Moments to lament the Fate of Christiani-  
“ nity, and of the Protestant Cause, and even  
“ of the Clergy themselves, when it shall be in-  
“ sinuated in the World, from the Authority of  
“ this very Report; that their aim is to obtain  
“ such a regard to themselves, as is inconsistent  
“ with a close and immediate regard to Christ  
“ himself; and that they take it as an injury  
“ to their Order, that the Christian People are  
“ encouraged to shew themselves Subjects of  
“ Christ, in the great Affair of Salvation  
“ without fear of Man's judgment.

Here you see his Lordship is surprized, astonished; he stops short to lament the Fate, of Christianity, of the Protestant Cause; nay (such is his Charity) even of the Clergy themselves, whenever those Insinuations shall be made to the World, which he himself in the very next Words does expressly make. When he saw and declared how much the Fate of Christianity, and the Protestant Cause, and of the Clergy, depended on such Insinuations; how could He, a Christian, a Protestant, and Bishop, make those very Insinuations, and that too when he had no just Ground or Pretence to do; when he knew in his Conscience there was



## The P R E F A C E.

no such aim in the Report as he insinuates? Will such Reflections as these pass for Charity, because they are introduced with Surprise, Astonishment, and Lamentation? Let Me for ever want such Charity.

It is with the same degree of goodness that his Lordship professes, That he cannot by any means persuade himself to call in question what they (the Committee) so seriously profess, p. 302. And as soon as he has made this appearance for himself, he goes on to give all the Reasons he can think of, I may say all he could invent; (for some are false in fact) why nobody else should believe them. How compassionate a part is this! To profess that you believe a Man, and then to labour to shew his falseness to all the World. I wish his Lordship would seriously consider this part of his Conduct, as it becomes him to do; and not think it sufficient, because it serves present purposes, to make only an appearance of Charity \*.

There will be other opportunities of considering this matter, and I hope by other Hands; I am so little prepared for it my self, that I should be glad to be prevented.

I have nothing more to add, but to acquaint the Reader that where the Bishop's Words are quoted without naming any particular Book of his, his Answer to the Representation is always intended.

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\* Postscript to Pilloniere.

## Advertisement to the Reader.

**T**O prevent Mistakes, and Cavils, in a Controversy already too full of them; I desire the Reader to take notice, That wherever I use the Expression, Religion is a Test; I do it in compliance with the Language introduced by his Lordship. The Reader may see, p. 71, &c. my Notion distinctly; viz. That the External Act is, properly speaking, the Test; that Religion is the Foundation or Ground of the Test: which is the case with respect to Oaths and the Sacramental Test, both which are really founded on the Religion of Man.

At p. 88, 89, where I consider the Bishop's Assertion, that the use of Oaths is entirely founded on the political Principles of Reason; I have been told, that I argue as if I agreed to the Assertion; I desire the Reader therefore to observe, that at p. 87, 88, I have given Instances of the Application of an Oath, to Cases not civil or political, the use of which consequently cannot be entirely founded on political Reasons: At p. 88, 89, I consider the use of Oaths with respect to the political Reasons, upon which they are often required, and do endeavour to shew, that an Act does not cease to be a Religious Act, because it is well founded in political Reasons, and the common Good of Men.

I have made in this second Edition some few Alterations; which not being intended to alter the Sense but to express it more clearly, need not be particularly accounted for.



A  
VINDICATION  
OF THE  
Corporation *and* Test  
ACTS, &c.

**H**AD the Question relating to the Test been argued upon Political Reasons only, I should not have been a party to the dispute; but when concern for Religion was brought in, and secular views were carried on, under the appearance of zeal to prevent abuses in the solemn worship of Christians; and when the Bishop of *Bangor* had call'd upon me in particular to speak to this point; which he supposed I could not do consistently with renouncing

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cing all pretences to persecution; I thought I might without offence endeavour to justify the Legislature, against the heavy charge of *turning aside a sacred institution of the Gospel, from its original and natural design, to a purpose against its own nature, and contrary to the end proposed by the Ordainer himself* †.

Cou'd this charge be made good, no *Christian* would want any other reason to be given for the repeal of the Test Act. The Law which introduces an *abuse of Religion*; which *perverts a sacred Institution of the Gospel*, can be no *security* to the *Church*; and therefore the friends of the *Church* ought to be the foremost, in such circumstances to part with it. Whether this be the case or no, 'tis part of the design of these papers to examine.

To carry the Reader directly to the point in dispute, I must tell him; it had been observed as a consequence of the Bishop's doctrine, that *no religious qualifications* (must) *any longer* (be) *insisted on* \*.

The Bishop in his Answer, pag. 45 †, in order to load another assertion, gives this as a very bad character of it. *That it is worthy of him who contends professedly for making Religion a Civil Test, for debasing the most sacred thing in the world, into a Political Tool, and an Engine of State.*

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† Page 190.

\* Dr. Snape's first Letter, p. 37.

‡ Answer to Dr. Snape's Letter.

To pass by every thing in this reflection but the reasoning mix'd with it; 'tis evident that the Bishop's argument depends upon *this* principle, that *Religion ought not to be made a Civil Test.*

In answer to which I replied, *Is not Religion the Test in every case where an Oath is required \*?*

His Lordship now affirms, that what he said *against making Religion a Civil Test* refer'd solely to the *Sacramental Test* †. Upon what reason, I cannot imagine; for I will not suppose him to think, that there is no Religion but the *Sacrament*, or that any Religion but the *Sacrament may be debased into a Political Tool, and an Engine of State.*

This Account brings down the state of this part of the Controversy to the Bishop's last performance. I shall consider what he has advanced before I take leave; in the meanwhile, that the world may know, upon what subject we dispute, 'tis necessary to take our rise a little higher, and to state the fact of the case, about which we differ.

The Laws relating to this subject have not been distinctly considered by the Writers in this Controversy about the Test. They seem to argue merely upon popular mistakes; and do (as it serves their purpose best) sometimes

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\* Considerat. page 71.

† Page 185.



to the Ecclesiastical Constitution; it became necessary to consider what should be taken as a sufficient proof of any man's being so affected; without this the resolution would have been void and ineffectual, and had not such provision been made, could never have been put in execution.

Visible Communion with any Church or Society of Christians, is the best proof that man can give to man of his being a well-wisher to the Constitution of such Church or Society. But then once or twice going to Church, will not amount to such proof, it being well known that many who dislike the Constitution of our Church, can permit themselves to be present now and then at part or all of the common service. And in all things of this nature, 'tis impossible to settle the precise number of particular Acts which constitute or denote the habit: in this case therefore the Legislature could not say how often going to Church made a Churchman; or had they named a great number of such Acts, as the Test required; it must have been very hard, almost impossible for the Persons concerned to give a legal proof.

The only thing then that remained, was to consider what particular Act of Church Communion would be the most probable evidence that a man was sincerely well affected to the establish'd Church.



In this view, the Sacrament of the Lord's Supper naturally offer'd it self; 'tis that part of religious worship which the generality of Christians perform with the greatest devotion, and to which they think themselves most obliged to approach with sincerity and uprightness of heart. To this it may be added, that as a distinction was intended to be made between those who approved, and those who did not approve the Ecclesiastical Constitution of these Kingdoms; so it was well known that the latter had as strong prejudices against the *usage* of the Church in the celebration of the Sacrament, as against any other *usage* of it whatever, and yet were supposed to have the same awful reverence for the Institution it self: so that it was reasonably presumed that no Dissenter, of any sort, would easily be led to such an act of insincerity, as receiving the Sacrament in a *manner* condemned by himself.

It was then enacted, That whoever had an Office civil or military, or was to be Mayor, &c. in a Corporation Town; should make sufficient proof of his having received within a certain time prescribed, the Sacrament of the Lord's Supper, *according to the Rites of the Church of England*, as it is limited 13 Car. II. *according to the Usage of the Church of England*, as 'tis express'd 25 Car. II.

1. It must here be observed, that barely receiving the Sacrament (as the Bishop and some  
C others

others suppose) is not the Test required by the Act: every man, as a Christian, is supposed to receive it somewhere, and therefore barely receiving the Sacrament could be no Test of any man's affection to the Ecclesiastical Constitution of *this* Kingdom. But the Test lies chiefly upon these words, according to the *Usage and Rites of the Church of England*: And it was supposed, that no Man would in *such manner* receive it, but a Member of the Church of *England*.

2. That receiving the Sacrament, *according to the Usage of the Church of England*, is not the qualification for an Office, within the intent of the Act, but only the proof of such qualification: The qualification intended is, That the Person — be well affected to the Ecclesiastical State and Constitution of these Realms; and the receiving the Sacrament according to the Rites of the establish'd Church is, the proof or Test required that he is so.

This is so clearly the case, that a man may receive the Sacrament, so as to give *proof* of the *qualification* made necessary by the Corporation Act, without knowing, or even suspecting that he was *then* giving a Test required by Law; for that Act appoints the *receiving* to be within one year *before* election to an Office: So that one who receives the Sacrament, not dreaming that he may or ever shall be elected to an Office; yet if he is elected to an Office within a year, *such receiving*



which shall stand and be accepted as the Test required.

This is plain, I say, from the view of the Acts; but to put a matter of such consequence in the present debate, out of doubt, I must refer the Reader to the 3 *Jac. I. Cap. 4.* The first Act, I think (though I pretend not to have carefully examined this particular) that brought in a *Sacramental Test*.

The reason for it is set forth in these words. — “ And where divers persons, popishly affected, do nevertheless the better to cover and hide their false hearts, and with the more safety to attend the opportunity to execute their mischievous designs, repair sometimes to Church, to escape the penalty of the Laws in that behalf provided — For the better discovery of such persons, &c. Be it enacted — That every Popish Recusant — who shall conform — and repair to the Church, shall once in every year at least — receive the Sacrament.” —

Here 'tis evident that receiving the Sacrament, is required only as a Test of Conformity; for this Act does not require any thing more in Popish Recusants than Conformity; which was the very thing by which *before* they became qualified for the advantages of *English* Subjects. This Act therefore introduces no new qualification, but requires a stronger Proof, or Test of the old one.



The same thing appears yet more expressly by 7 *Jac. I. Cap. 2.* "Forasmuch as naturalizing of strangers, and restoring to blood persons attainted, have been ever reputed matters of mere grace and favour, which are not fit to be bestowed upon any other than such as are of the Religion now established in this Realm." —

Here you see the qualification for such favour is, That the person to have the grant shall be of the Religion established:

"Be it therefore enacted", says the Statute, "That no person — shall be naturalized or restored in blood — unless he has received the Sacrament — within one month before any Bill exhibited for that purpose. *i. e.* Be it enacted that he shall receive the Sacrament — in order to prove his being of the establish'd Religion.

Upon the whole 'tis very plain, that the receiving the Sacrament was never esteemed a qualification in our Law, but a proof and Test of that qualification, (*viz.* Conformity to the Church established) which the Law in many cases requires. Thus the case stands upon the foot of these Laws.

And if the Reader will now turn his eyes to the Bishop's strong declaration against the Test, he will find him arguing, (as is usual with him) against something which no Law either supposes or requires. *I now repeat it* (says he) *before the world, &c.* pag. 185.

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Here his Lordship speaks as if he thought that the *celebration of the Sacrament ordained and confined by our Lord* ——— to the *serious remembrance of his death*, was ordained to something else by the abovementioned Laws; whereas they suppose it to be received with such devotion, and to such purposes only as Christ ordained: And I desire his Lordship to shew that any of the Acts mention'd, forbid it to be received in *remembrance of Christ's death*, or require it to be received with any contrary purpose of heart whatever.

In like manner that *worthy Person* Mr. Sykes, who may be supposed to know his Lordship's meaning, tells us wherein the abuse of the Sacrament introduced by these Laws does consist. *We are*, he says, *to remember we are made Justices, or Captains, or have civil employments or preferments bestowed on us. What is this but perverting the most sacred part, and most solemn duty of Christianity, to make it a tool to Politicians, &c.* Third Let. p. 87.

I must leave this worthy Person to justify this open attack upon the honour of the Legislature, by which they are expressly declared to be guilty of *perverting the most sacred part and most solemn duty of Christianity*; since he will hardly accept of any excuse that comes from me in his behalf: Tho' if he would permit me to do him a good office, I could  
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very *sincerely* say, that I believe he knew nothing of the matter.

I have heard much and just complaint of the iniquity of men who have come to the holy Sacrament, without devotion, nay sometimes with open contempt of it, merely to satisfy the letter of these Laws; but never till now was the Legislature so openly arraigned, and charged with *establishing* guilt and hypocrisy *by a Law*. I presume his Lordship and his Friend may in the course of their lives have received the Sacrament, in order to give that Test which these Laws require: I desire they would tell the world, whether when they so received, they did it in remembrance only that some *Preferment* was bestowed on them, and without *remembrance of the death of Christ*, or no: If they shall answer for themselves that they received with no other sentiments than what ought to attend upon the celebration of this institution of Christ, and are consistent with it, why then are the Laws accused as perverting the end and use of the Institution, since the Law and the end of the Institution may, and ought to be, complied with at the same time? But if they did really receive with those worldly views, which they charge the Laws with introducing; I heartily lament their case, and wish they may never be called on to answer to One *greater*, than is on earth.

It is worth observing here, that the argument urged in this case by his Lordship and others, is just as strong against the *use* of Oaths; which ought not, upon these principles, to be required as a Test of a man's veracity, because thereby they become an instrument, by means of which, *some particular sort* of men (as his Lordship speaks) (especially *Atheists and Infidels*) get into estates, the titles to which are determined on oath. And the Legislature may as justly be charged with all the perjury of corrupt Witnesses, as with the hypocrisy of corrupt Communicants.

The two questions which naturally arise from the true state of the case are these.

1. Whether it be lawful to confine Offices of *power* and *trust* in the Government, to such as are obedient and well affected to the *Ecclesiastical State* and Constitution of the *Realm*?

2. Supposing this to be lawful, whether it be also lawful to require of any man, who is willing to accept an Office *Civil* or *Military*, that he should communicate with the established Church, and particularly, that he should receive the Sacrament *according to the Usage* of it, in order to prove such his Obedience and good affection to the Ecclesiastical Constitution?

This last question the Bishop entirely mistakes, and speaks as if receiving the Sacrament



ment were it self the qualification for an Office, to which (Office) he tells us, *This Institution has no more relation than the complexion of men's faces, or the colour of their hair*, p. 190. and therefore seems to charge the Legislature with perverting this holy Institution.

But it ought here to be observed, that receiving the Sacrament according to the usage of the Church of England, is not appointed to be a Test of any thing, but what it always ought (whether required by Law or no) to be a Test of: *Receiving the Sacrament, &c.* is not a Test of a man's being a willing member of the establish'd Church, in force, or in consequence of the Law; but in force and in consequence of that sincerity which ought always to attend it; and this presumption, that he who receives in the Church is of the Church, is the ground and the foundation and not the effect of the Law. So in the parallel case, an Oath is not appointed by Law to be a Test of a man's veracity, but 'tis required in some cases by Law, because it is in its own nature, such a Test.

Men are not supposed to be of one Church and communicate with another: His Lordship has made use of this very argument in the case of Mr. Pillioniere, and concludes him to be no Jesuit, because he has often received the Sacrament *in the Church of England*. Upon this Presumption the Corporation and  
 Test

Test Acts are founded; they require the evidence of a man's receiving the Sacrament *according to the usage of the Church of England*, only to prove that he is a Member of that Church. They leave the Sacrament to the uses for which 'tis ordained; and lay hold on the Act of receiving, only as an evidence of a Man's being in Communion of that Church, in which he receives.

When the Doctrine of *Occasional Conformity* for places prevailed, it broke in upon *this* evidence, just as the Doctrine of *Equivocation* and *Mental Reservation* broke in upon the evidence of *an Oath*; and there was the same reason for the Legislature to take notice of, and prevent the *one* abuse, as the *other*. The Act against Occasional Conformity (as 'tis commonly called) does not forbid Occasional Conformity as such, but leaves all men to the same liberty they had before to communicate *occasionally* with the Church; and therefore 'tis nothing to the purpose to consider whether *Occasional Conformity* be a *lawful* or *unlawful* practice. All that the Legislature intended by that Statute, was to prevent their being imposed on by the *Act* of an *Occasional Conformist*: They required the evidence of a man's receiving according to the usage of the Church of *England*, as a proof of his being of that Communion. The Act of an *Occasional Conformist* in receiving, &c. came up to the *letter* of the Law, and yet was *no proof* of what they expected. D      When



When experience had shewn how easily the Law was evaded by the practice of Occasional Conformists, the Legislature took care to prevent the abuse, and to provide that men in office, &c. should no longer *continue* in their Offices, than they adhered to the Communion of the established Church: *i. e.* that they should *perform* the condition *intended* by the former Laws, and for *performance* of which they were understood to give the assurance and evidence of their having received the Sacrament *according to the Usage of the Church of England*.

And this shews that a better or stronger Test was not to be found; for when this was evaded, the Legislature had nothing to add to it, and could only by an after provision secure it against a practice, which was an open affront to the Law of the Country.

The Occasional Bill therefore is only a guard to the Test Act; and those who plead for the repeal of this Bill *only*, do in effect desire, that all men may be at liberty to give the proof required by the Law of their *adherence* to the established Church, and yet be at liberty *not to adhere* to it. Whether this can proceed from a concern for *sincerity*, or for the honour of the *Gospel Institution*, I leave the world to judge.

Thus the case stands with respect to the Laws now in force: And it remains upon his Lordship and his friends to shew, that any *abuse*

*use of the Sacrament is introduced by these Laws: And upon his Lordship in particular, to make good his heavy charge, That this, is to turn it (the Holy Sacrament) from its original and natural design, to a Purpose AGAINST ITS OWN NATURE, and CONTRARY to the END proposed by the Ordainer himself.* Pag. 190.

As to the *Abuses* brought in by the iniquity of men, who approach the Holy Table merely to answer the *letter* of these Laws; without any piety or devotion, or *true* sense of what they are doing; I *see* them, and I *lament* them; and *they* are sad instances of the decay of the Spirit of Christianity among us: But still, I say, these men are not *made* wicked by the Law; but *being* wicked, they *abuse* as well the *Law* of their Country, as the *Institution* of the Gospel: And if the iniquity of men in *abusing* any Law, be sufficient reason for *abrogating* such Law; I would fain know what Law ought to stand in force. What perjuries, what frauds, what cheats are made use of to elude the many Laws for imposing *Customs* on Trade? Let his Lordship then turn advocate for the removal of *these* Laws *also*; and let him say, that no temporal advantage or convenience to the State, can justify the great *abuse* of Religion, and the manifest *breach* of plain *duties* occasioned, (or to express his own sense, *introduced*) by *these* Laws: Let him plead also for abo-

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lishing the *use* of Oaths, since Perjury is not a more *crying*, than it is a *common* sin; nay, let him go through all the Laws of his Country, till he has settled the *State*, upon the same bottom that he has placed the *Church*, and can say with respect to *both*, That *no one more than another hath authority to judge, censure, or punish the servants of another master.*

The profanation of the Lord's Supper, creates an horror in every serious Christian mind; and God forbid that any word should drop from me, as if I could be easy and contented in seeing so much hypocrisy and wickedness. This is a case which wants a remedy; but as the Laws requiring the Sacramental Test do not *make* men wicked and profane; so neither will removing those Laws *make* them pious or holy. The remedy must be applied to the *Men*; 'tis the wickedness of the *receiver* that calls for correction; and his Lordship has it to consider, what *service* he has done to *Religion*, by beating down the *authority* both of Church and State to preserve *true Religion*, in an Age that seems to want it so very much.

In the mean while I will go on (since his Lordship calls upon me so to do, *pag.* 194.) to declare my sense in this matter, and the reasons on which 'tis founded; hoping, that it may be at least as *inoffensive* for me, to endeavour to *justify* the Laws of my Country;



as it is for his Lordship to *arraign* and to *condemn* them. And shou'd *all* I say prove to be *vain* words, and of *none* effect; should I see the Church left naked and defenceless; its walls broken down, and the hedge, which was placed about it, pulled up; yet my *fruitless* pains shall yield me this satisfaction, that I laboured for the *Peace of Jerusalem*; nor shall any man be able to suggest that I was *bribed* by the prospect of honours and preferments.

The Questions arising from the true state of this case, are (as I before observed) two.

The first is this;

I. Whether it be lawful to confine Offices of *Power* and *Trust* in the Government to such as are obedient and well affected to the *Ecclesiastical State* and Constitution of the *Realm*?

This Question will be determin'd by the Resolution of two Points.

1. Whether it be lawful in any Case to make Laws, by which some Persons shall be render'd incapable of Offices?

2. Whether it be reasonable in the Case before us?

There is nothing that more nearly affects the Good and Welfare of every good Government; and consequently nothing that ought to be their more immediate Care, than to see the Powers (which must necessarily in every Community be trusted somewhere) placed in proper

proper Hands. Every Man has an Interest in desiring that there should be upright Judges to *execute* the Laws already in force; and wise prudent, disinterested Men, to *make* new Laws or *abrogate* old ones, as the good of the *whole* shall require. 'Tis a *Right* vested in every Community *as such*, to consider and declare what Conditions and Qualifications shall be required in all Persons to be admitted to Office of *Trust* and *Power* in the Government: And therefore, a *Capacity* to serve the Publick in places of *Trust* and *Power*, which is not *limitable* by the Constitution, when there are just Reasons to limit it, is such a *Capacity* as is inconsistent with *all forms* of Government in the World. As Men in a State of Nature (for I am willing to argue upon that Hypothesis) are upon a foot of Equality; so are they when they enter into a formed Government, and lay equal claim to all the Advantages arising from thence. Say then that all considered merely as Members of the Society have a claim to be equally capable of serving the Publick; yet still this is such a *Capacity* as Nature herself has set Bounds and Limits to by the very distinction she has made in the *natural Parts* and *Abilities* of Men. It requires *wise* Men to *manage* the publick Concerns, and Men of *Courage* to conduct the publick *Arms*: It is therefore necessary to exclude *Fools* from the Council Board, and *Cowards* from the *Army*. This I say is a Limitation made by Nature.

But



But it equally concerns the Publick to have Men well affected to the Government in places of Power and Trust. A courageous Man, who hates his Country, is at least as unfit to be trusted with the military Force as a Coward; and a wise Man, who would betray his Prince, ought rather to be excluded from his Councils than a Fool. The Consequence of which is, that either no Government has a Right to preserve it self against the Disaffection of any Subject, or else that every Government has a Right to exclude from Offices of Power and Trust such as shall render themselves justly suspected of Disaffection to the Publick.

To talk then in the present case of the *common Rights of Subjects*, is begging the Question; and supposing that Dissenters are excluded without any Reason; which is making a short Case of it indeed. The true Point is this; allowing all Subjects to be equally capable, as such, of serving the Publick, and that the Government *ought not* to limit this *Capacity* without good Reason, to enquire whether the Corporation and Test Acts are founded upon Reasons sufficient to justify the Legislature in the Limitations by them made on this Capacity of some Subjects.

His Lordship's reasoning from the *common Rights of Subjects*, and his general Declaration against *debarring Men from their Civil Rights*,

*Rights*, are Arguments which do by no means come up to the present Purpose.

A Submission of private Rights to the Publick is the fundamental Article of Government; and therefore no *Subject* has a Right to defend even his Life or Property as he thinks fit, but must go in the Method prescribed or permitted by the Law. How absurd is it then to talk of a *Right*, to be capable of *Places*, not subject to the like restraints or limitations? The matter is not mended by calling this a *natural Right* (Phrase much in fashion) for there is no *natural Right* that may not be lost in whole or in part. Nay, some rights are restrained merely for the sake of publick convenience without supposition of any fault or transgression in any Member of the Community.

There is not, I presume, a stronger *natural* right, than the right to food and raiment; this is founded in the *common* necessity of nature; and 'tis not to be thought that God sent men into the world merely to starve without giving them a *right* to use in common so much of it as their *necessities* require. But now we see that this *right* is *limited* and *restrained* by all Governments in the world. Property is secured every where by human Laws, and a very unequal division of the good things of life is introduced; the far greater part of Mankind live upon their labour, or by Charity; hard as this is, yet the necessity



necessity of Government justifies the provision; and an Apostle of Christ has given us a rule in consequence of it; *If any man will not work, neither let him eat.*

Is it lawful then to restrain the *natural* right that every man has to *food* and *raiment*? and is it unlawful to *limit* the *capacity* which Subjects have to places of Power and Trust in the Government? There is indeed so much compassion and equity left for cases of *natural* necessity; that in the *last extremity* we still say, *Necessity* has no Law; but it must be a sad world, whenever *Avarice* and the *Lust* of Power obtain the same privilege.

His Lordship perhaps will say that he does not plead against restraints of this sort in general, but that he confined himself *solely* to the *Sacramental Test*, and to cases where *Religion* is concerned: I have the more reason to expect this, because I have been already so served; when I argued against a general principle laid down by himself, that *Religion* ought not to be a *Civil Test*; the next time his Lordship appeared in publick, he affirmed that by *Religion* he meant *solely* the *Sacramental Test*.

But let the Reader take notice, that the argument against the *Sacramental Test*, drawn from the *Right* of all *Subjects* to a *Capacity* of holding Offices of *Power* and *Trust*, is an argument against this Test considered as a *limitation* of that *Right*; and it is founded in

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this.

*this, or in nothing, that all such limitations are unlawful: For if all are not unlawful perhaps this may not be unlawful; and consequently no argument can lie against it, considered merely as such a limitation. It is one thing then to object against the Sacramental Test, because Religion ought not to be made an Instrument of excluding men from Offices and another, to say in general that men ought not upon any account to be excluded; his Lordship has declared against both very distinctly (Pag. 193.) I have professed my judgment — against such UNJUST or false security, as EITHER debars men from their Civil Rights; or debases a solemn Institution of Christ, &c.*

Here are plainly two things which, in his Lordship's opinion, render all methods used for the security of any Establishment, unjust or false: The first is, when men are debarred from their Civil Rights; the second is when a solemn Institution, &c. is debased.

It is then, it seems, his Lordship's judgment, that all security is UNJUST which debars men from their Civil Rights — i. e. that makes them incapable of holding Offices of Power and Trust: The consequence of which is, that no Government has any right to secure it self by excluding from Offices such as they judge unqualified; for no Government can have a right to an unjust security. If his Lordship can find any thing in his own Writings



things inconsistent with this Doctrine (as much as there is to be found) that is *his* concern and not *mine*.

Among all the *Capacities* of this sort known in our Constitution, those which are *Hereditary* are the strongest and most favoured by the Law: Among these, the *Capacity* of succeeding to the *Crown* is the most sacred. This his Lordship and others have taken pains to prove *subject* to Limitations; and 'tis well known that his Majesty enjoys the Crown in virtue of *such* Limitations. I would only ask his Lordship whether the *Royal* Family be the only *One* in the Kingdom liable to such Restrictions? Whether it be highly reasonable, for the sake of Publick Good, to limit the *Capacity* of succeeding to the *Crown*, and highly unreasonable, tho' there be the like occasion for it, to limit the *Capacity* of *private* Men, to be Captains or Colonels?

To me this Case is so very plain, that I will not so far suspect *any* Reader's Judgment, as to dwell longer on it; but will go on to consider in what manner this *Right*, which the State has over the *Capacity* of all its Subjects, is to be exercised.

They, who in any Nation have the Legislative Power intrusted with them, are bound to take care of the Welfare and Preservation of the Community over which they are placed. Men ought not to be *punished* for any offence against the Publick, without plain proof that

they have *offended*; for all Punishments must follow the *strict* Rules of Justice: But all Governments have a Right (and all *wise* Governments make use of it) to provide against *probable* Dangers to the State; in consequence of which they have a Right to provide, that all Power in the State shall be lodged in such Hands only as they reasonably judge to be well affected: And here the Rules of *Prudence* must govern. And this may help his Lordship to see (what he seems to be at a great loss to understand, *p.* 194, 5.) how *consistent* it is in me to declare against *punishing* Men in their Lives or Fortunes for *those* Reasons; which, nevertheless, I think to be *good* Reasons for excluding them from places of Power and Trust. It would be very unreasonable to *beat* a Man because he has an infectious Dis-temper; yet 'tis very reasonable to deny him a Place in the Family upon this account; for in *one* case I should *injure* him, in the *other* I only *take care* of my self. The exercise then of this Right is matter of *Prudence* in the Government: It may be abused by Wantonness and Partiality, as every thing else may, that ever I heard of; but it will not follow, because this Right may be abused, that therefore there *is*, nor *ought* to be, no such Right in the Community.

But the Right of the State to limit the Subjects *Capacity* of holding places of *Power* and *Trust* being supposed; it still remains to be



be considered whether they had sufficient reason for what they did in the Case before us.

The Government of *England* is in the hands of Christians; and so far, I hope, there is no Fault. When they, in whom this Power was lodg'd, found it necessary to forsake the Errors of the Church of *Rome*, and to throw off the heavy *Yoke* of *Popish* Power, under which they had been long oppressed; they saw at the same time that Religion could not be preserved without some settled Order and Discipline: And tho' the Reformation claim'd the use of the Scriptures as the undoubted Right of every Christian, who was capable of using them, yet they had Sense enough to know, that to leave every Man to make the best of his *Bible*, without any farther direction or restraint, would naturally tend to Confusion, and fill the Kingdom with all the wild Conceits that Ignorance and Enthusiasm could produce. They considerd farther, that it was the Will of Christ that there should be a *visible* Church; and tho' they had withdrawn from the Church of *Rome* as being corrupt, yet they were obliged to *visible* Communion; for these reasons they continued the National Church freed from the Errors and the Corruptions of *Rome*, under a Government and Discipline formed upon the platform of Primitive Christianity. This Church was established by *Law*; and the People of *England* were bound to Communion with it as Christian

Christian Subjects; so bound, I mean, that nothing but a persuasion of Errors and Corruptions in the Church, could excuse a Separation from it.

Upon these Principles the Reformation here proceeded; the Crown and the People found it *necessary* to reject the Papal power, together with the corruptions of the *Romish* Church; but they found it *necessary* too to preserve an authority in Church matters; and to settle an Ecclesiastical government *even* for the better *reformation* of Religion. Some indeed there were in the early days of the Reformation, who pleaded for *Christian* liberty in such manner, as to leave no room for *Christian* discipline; but *these* made no great figure, and were esteemed *then* as mere Fanaticks. Had they, who conducted the Reformation, set out upon these *prejudices* (for I desire to be excused from calling them *principles*) by this time I verily believe *Christianity* itself had been lost among us; and the *Supremacy* vested in *every* man, in his *own* behalf, had long since *establisht* a *consummate* *stupidity* and *ignorance*; but who would have been the *happier* for it, I profess my self at a loss to imagine \*.

The *Protestant* Church of *England* has enjoyed but little peace from its first esta-

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\* I am fully satisfied, that till a consummate Stupidity and Ignorance can be happily established, &c. Bishop's Answer, Pag. 91.  
blishment.



blishment. In the days of *Edw. VI.* the controversy about Vestments, &c. began; tho' it was managed with another kind of Spirit, than ywhat afterwards appear'd in that cause. In Queen *Mary's* time, this Church was destroyed; and suffered not only in the ruin of its estabishment, and in the members lost by persecution; but in those also, who fled from home, and brought back those notions, which have given this Church and Nation so much trouble ever since. These were one great occasion of the disturbances in Queen *Elizabeth's* reign: To what height they were carried, and how they affected the peace of those times, the reader may see in Archbishop *Whitgift's* life, just published by our diligent and learned Historian, the Reverend Mr. *Strype*. Under the management of *James I.* the disaffection to the established Church grew strong; and in the days of his unfortunate Son; a Prince, who deserved a better Fate; it prevailed as well against the Crown, as the *Mitre*.

It is very true, that *Religion* was not the whole of that unhappy rupture between the King and his People; occasion there was for complaint with respect to *Civil Rights*; nor is it my intention to dissemble here, what the noble Historian of those times has so freely and so impartially disclosed: But then 'tis evident to all, that *those* disputes had ended in the happy confirmation of the Subjects Rights,

Rights, had not the pretences of Religion and Enthusiasm mix'd themselves in the quarrel, and put the Nation into such a *Fever*, that nothing but the loss of Blood cou'd recover them again to their cool senses.

'Tis with reluctance that I enter into this part of the argument; and I wish I cou'd draw a curtain before the oppressions and calamities which the Nation suffered under, in that long hour of darkness. But shou'd I be silent, yet almost every Gentleman's family wears still the scars of that frenzy; and can name the *Ancestor*, who *lost his life*, the *Estate* that was *sequestred*, the *House* that was *pillaged* or *pulled down*: And this too was acted under the pretence of making way for the *free profession* of the *Gospel*; of which however there was hardly any visible sign in the Kingdom, except only this; *That our Kings were bound in chains, and our nobles with links of iron.*

After more than twelve years of continual night the day began to break, and the sound of Liberty was heard throughout the Nation: In a word, the *King* who was expelled, the *Nobles* and the *Gentry* who were driven into banishment, or lived at home sequestred, or imprisoned, were restored to their ancient Rights; and *England* became *England* again. What now was the consequence? Why the *Cruelties*, the *Oppressions* and *Devastations* of many years, were all buried in silence.



lence and oblivion: Private resentments and  
 private injuries were given up to the publick  
 good; the rich Sequestrator and the harras'd  
 Gentleman lived like neighbours and friends,  
 and the Prophecy seem'd fulfilled, That the  
 Lion and the Lambs should play together.  
 The only redress which the King and his  
 People sought for all their wrongs, was to  
 guard themselves from falling into the same  
 mischiefs again; for this purpose expressly  
 the Corporation Act was made, for preven-  
 tion (as the words of the Act are) of the like  
 mischief for the time to come, and for pre-  
 servation of the publick peace both in Church  
 and State: That Act which his Lordship now  
 thinks to be an Invasion of the Subjects  
 Right; and contrary to the Maxims of Christ  
 Jesus. And yet, in the name of all that e-  
 ver was called Christian Charity, what less  
 could be done? Was it so extremely wicked  
 to guard against injury and oppression? Was  
 it so irreligious to defend that Religion which  
 the Nation received as delivered by Christ,  
 from force and violence; and to suppress the  
 many kinds of injustice practis'd on this  
 people; and which would sound too harsh-  
 ly, should they be distinctly enumerated.  
 Self-defence is a darling topick with his  
 Lordship, and I desire him to shew that in  
 this Act any thing was done by the Gen-  
 tlemen of the Church of England, which  
 they had not found by woful experience to  
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be necessary for their preservation. The general pardon was so far from producing the desired effect, that it is declared by the *Legislature* as the ground of the Corporation Act, *That notwithstanding all his Majesty's endeavours and unparall'd indulgence in pardoning all that is past, nevertheless many evil spirits are still working.*

This then was the case in fact: The Crown, the Nobility, the Gentry and the Clergy of *England* had suffered for above twelve years under such oppression and cruelty, as will be easily called to mind, by the reader; and which I have no inclination to aggravate, or to describe: And when the Government returned to its natural channel again, all was forgiven; and Christian Charity triumphed over every thing, but the restless Spirit of some among us; which since the mercy and good nature of the Nation could not subdue, it became necessary that their wisdom and prudence should prevent; for these reasons the Corporation Act was made, to keep the power out of those hands which had used it so very ill: This I say was the case; and let *Heaven* and *Earth* judge of the equity of the proceedings; and let *his Lordship* make out his charge, that this was invading the Subjects *right*, and acting *contrary* to the *Maxims* of Christ.

But however justifiable this might be upon the close of the Troubles, and whilst things  
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continued to be in agitation; yet perhaps it will be said, that *now* the case is altered; the disaffection to the Church is abated; and we have nothing to fear from Dissenters, though places of *Power* and *Trust* in the Government should be lodged in their hands. I wish this were *all* true; and am willing to allow that there are many among them who are *sincere* in their *professions* of Moderation. But alas! 'tis *one* thing to *say* how we would use power, if we had it; and *another* to *know* how to use it, *when* we have it. But to let this pass: Have any of the Dissenters declared, that they are for *maintaining* the Church as by *Law* *establish'd*. No certainly: The utmost that has been pleaded in their behalf, is, *That their principles* — amount to those of a general *Toleration* to all *peaceable subjects* \*. I rejoice in this happy reformation of their principles; but let me ask the Gentlemen of *South-Britain*, what they are like to get by accepting of a *Toleration* for *their* Religion, instead of an *Establishment*; and that too limited to the condition of being *peaceable subjects*; a condition indeed highly reasonable in it self; but which may be easily expounded away; and probably would be so, unless they could appear to be highly satisfied with their hard bargain. Besides, this declaration for *Toleration*

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\* *The Dissenters Reasons*, by Mr. Peirce, pag. 33.

stands only upon the authority of the Dissenters *address* to the *King*; an authority they are not willing to abide by in all cases; and never more complain than when they are pressed with a like argument, founded upon their *addresses* to *James* the Second.

The Dissenters are still fond of their own principles and opinions; And we have once seen how that fondness transported them when Power was in their hands. Why then are we *not* to suppose that they would use Power again, if put into their hands, to set up what they account *pure* Religion; and to expel, what not *only* they, but *others* of higher rank, and under greater *obligations* to the Church, have treated as *Popish* and *Superstitious*.

It is well known that in the late times there was a *solemn League and Covenant* entered in to by many, to root out the *establish'd Church of England*, and never more to permit its return. At the *Restoration*, some there were who left their livings rather than depart from the terms of this engagement. Has their steady *adherence* to these obligations been *blamed* or *condemned* by their brethren of these times? No; so far from it, that they have laboured to adorn the lives and characters of these men; their sufferings for *this cause*, have been magnified and extolled; and they have been represented to the publick, as *Confessors suffering for righteousness sake*; as *Lights shining*



ing in the dark, and of whom the world was not worthy. And now let any body draw the natural consequence from this: Is it reasonable to think, that those who have consecrated their forefathers zeal to destroy the establish'd Church, and offered up so much incense to it in the eye of the world, do themselves condemn those Principles, which they do so adore in others?

It has of late years been a prevailing Opinion among some members of the Church of England, that the Dissenters had worn off their rigid zeal against the Church, and that there was little more left in the Controversy than the difficulty about Re-ordination, and the dispute about some indifferent Rites and Ceremonies; among the rest Dr. Snape seems to have been in this mistake: But by this time, I presume he is convinced of his error, since Mr. Peirce has told him how highly affronting to the Dissenters such an opinion of them is; how could you suggest (says he) that we don't so much as pretend the terms of your Communion are sinful \*? And he goes on to give instances of sinful terms in our Communion; and then in the name of all his brethren he passes a judgment that makes the whole Ecclesiastical constitution sinful; You may depend upon it, that the great body of the

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\* The Dissenters Reasons, &c. by James Peirce, p. 5.

*Dissenters judge the terms of Communion to be sinfully imposed, p. 6.* This strikes not at one, or at many of our terms of Communion, but at the whole establishment; the foundation it self is *sin*, and nothing good can be raised on it: And therefore he very frankly and consistently declares, *p. 30. we rejoice to see the foundations shaken, and the fabrick sinking, as we never doubted but it would some time or other.* What hopes, what triumphs are these!—but to go on: He charges the Church, *p. 24. with Persecution*; and all who differ from the Bishop of Bangor in the present controversy as maintainers of it: Agreeably to which he represents the *Dissenters*, as the *holy remnant who have not bowed the knee to Baal, p. 38.* So that the Church of England in this comparison (and should seem therefore in this Gentleman's opinion) is an Idolatress, and her *Priests* are the *Priests of Baal.*

The Church of England owns it self to be subject to the Civil Power in making Canons and Constitutions for *external* government and discipline; whether the State has reason to like the Church the worse for this, let others judge. But those who are offended at it may assure themselves they shall have no such reason of complaint against the Dissenters; they pretend to a Power and Discipline equally great and extensive with that claimed or used by the established Church; they claim it too *independently* of the State in every respect,



spect, for they claim it all as the Law of Christ, over which no Human Power has authority: For this reason Mr. Peirce professes himself and his brethren unconcerned in the Bishop's Doctrine, tho' it takes all Power from men to make Laws in matters of Conscience: This, says he, can't do the least prejudice to us. The Government (mind his reason) we plead for, is no other than the execution of the Laws of Christ, p. 22, 23. And since this is their Opinion I'll venture to say for them, that 'tis likewise their opinion that no Power on Earth can restrain them in the exercise of any part of that Government, which they plead for. And without the Spirit of Prophecy, it is easily foreseen, that if ever they have the Rule, their little finger will be thicker than the loyns of the Church: The Holiness of their Government, its being the execution of the Laws of Christ, must make them (whatever they now think) zealous to impose it on all.

This Gentleman has the repute of being one of the most considerable among the Dissenters; and takes upon himself to speak in the name of the rest. I should not have wonder'd had one of their ignorant Mechanicks represented the Clergy of England as Priests of Baal; but 'tis surprizing to hear this from a man of letters, from one who has had opportunities of conversing both with men and books; and it is an intimation at least, what pur-

purposes are to be served by that *Power*, to which some are now so eagerly pleading their *right*: And let every man, who wishes well to the *Church of England* judge from hence, what he is to expect if ever offices of *Power* and *Trust* are lodged in Dissenters hands. Will they permit, do you think, the *Priests of Baal* to live unmolested, or will they endure that the *Church of England*, whose Foundation is *sin*, should be permitted to stand. No; then they would tell us, that they have no *Power* to remit the *Laws of Christ*; this was not their meaning;

*Non hæc in fœdera.*

If Dissenters want only to propagate their *Persuasion*, by applying to the reason and understanding of men, they are *even now* at liberty to do it; and if they can convince the Nation that their Cause is right, it will give them an influence beyond what the repeal of twenty Acts in their behalf can do. Let them then go to work in God's Name, we are ready to hear and to consider their arguments: But if they want to back their arguments with *Power*, however we are bound to *attend to reason*, we certainly have a right to *guard against force*; and to secure our selves from having any thing as *Religion imposed* on us. For these reasons, and chiefly for the sake of that experience which we have had, we cannot join with the Bishop in calling for a repeal of these *Acts*: They are Acts founded  
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on the principles of self-defence; and not made to *exclude Christians* from Civil Offices, for the sake of their conscientious scruples; as his Lordship represents the case to be, p. 192; Whereas the Corporation Act says expressly, it was for *prevention of mischief*; such mischief as the Nation had then but just recovered from; and not for *prevention of conscientious scruples*. And if there be no difference between *persecuting* a man for his opinions, and securing my self from being persecuted for *my own*; then indeed it is a Persecution to exclude men for the sake of their disaffection to the establish'd Church from Civil Power. Persecution is an hard word; but when it comes from Words to Blows 'tis an harder thing. The Church of *England* has felt it; and She has a short memory if She has already forgot what it is: It is indeed as bad as it can be described to be; and so far am I from being an advocate for it, as I have been publickly and often charged to be; that I can with a clear mind say, I have ever pleaded against it.

But surely it must be agreed on all hands, that every man has a right (much more every Government) to secure himself against persecution, and from having any thing as *Religion imposed* on him by undue means. And once more I call upon the reader to recollect, what passed in those sad days, when *all* the Sects among us were labouring for superiority,

ty, and making their way *over* the *Heads* and *Consciences* of their brethren; and when he has thought thereon, let him say with the Bishop, (if he sees reason) that to exclude men from power on account of *those persuasions* in *Religion*, which produced so much misery and confusion in *these Kingdoms*, is an *unjust* or *false security*, and *contrary to the Maxims of Christ*: But if he is not in great haste to come to a conclusion, let him consider; that what *has been* already, *may* probably *be expected* again from the *same* causes; and that power in the hands of Dissenters has once already ruined Church and State: If he thinks they are *now* grown *friends* to *Toleration*, and is moved by that argument, yet let him ask himself *the reason*, why he should give up an *Establishment*, to accept of a *Toleration*; and why *Toleration* is not as good when 'tis *granted* to Dissenters, as when 'tis *humbly received* at their hands: Let him also consider that where the Dissenters principles prevail, no *Toleration* is granted; the *Kirk* has ever protested against it, and used their utmost endeavours to prevent it: If he thinks much weight is to be laid upon their late declarations for general *Toleration*; let him remember that the same pleas were used before King *Charles the First's* time, and yet what were Church or Nation the better for them? In a word, let him consider, whether under these uncertainties, 'tis  
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not wifely to *trust* himself with the liberty of his own *Conscience*: Whether he may not be as sure of shutting out *Persecution* (if that be the concern) by keeping it in his own power to give a free *Toleration* to those who differ from him, as by putting it in the power of others to make him the like grant. But to proceed;

His Lordship in his great zeal against all limitations of Offices to Members of the Church establish'd, would do well to remember that the *Crown* it self is subject to this very limitation. By 12, 13 *Will. III. Cap. 2.* it is provided; "That whosoever shall hereafter come to the possession of this Crown, shall join in Communion with the Church of *England* as by Law establish'd.

I trust his Lordship will inform the world how it comes to pass, that the Kings of *England* have less privilege than any of their Subjects; and why that very limitation is just and expedient when applied to the Crown, which is so great an *Oppression*, so subversive of *natural Right*, when applied to any of the People.

The Crown has the disposal of places of Power and Trust in the Government; and the incapacity for Offices which some lie under in virtue of the *Test Act*, is in truth a restraint upon the Crown in bestowing of Offices: And as long as it is thought necessary for the preservation of the established Religion.

gion to confine the Crown it self to the Communion of the Church of *England*, so long it cannot be unreasonable to confine the Crown from deriving *power* into such hands as there is reason to think would destroy it; nay, the very reason for confining the Crown to the Communion of the Church of *England*, is to secure the powers of the Government which are lodged in the Crown on the side of the Establishment; and it seems preposterous to suppose that any power should issue from the Crown so confined, into hands not well affected to the Church.

I do not find that the Bishop, or any body else, who argues for the repeal of these Laws, does so much as pretend to complain of them with respect to the restraint, which they bring to the Crown in the disposal of Offices: Nor indeed can any body *justly* do it; for his Majesty's declared affection to our *Constitution* in Church and State; will never permit him to think any Law a burden to himself, which is made *for the preservation of publick Peace both in Church and State*.

But with respect to the limitation which requires that *the Person possessing the Crown shall join in Communion with the Church of England as by Law established*. The Bishop perhaps may say, there is a difference in the case, because the receiving the Sacrament as a Test, and giving evidence thereof, is not required of the Crown: 'Tis true, it is not:  
and



and the reason of the difference is this; in the case of private men the publick cannot judge what Communion they belong to, and therefore a proof, a test of their Communion with the Church established is required of them: But a King is a publick Person, and lives in the eye of all his subjects; and 'tis as easy to know of any King what Communion he belongs to, as what Kingdom he governs; and consequently no particular Test of joining in Communion need be required.

I would observe here (what some seem very desirous to forget) that one great end of the Revolution was to secure and preserve the *Church established*; and that to labour to hurt this Church, cannot be a mark of friendship to the Revolution. I have turned over some of his Lordship's latest pieces, to see whether this part of the argument in the behalf of the Revolution has had any improvement under his hands; and to my great surprise, I cannot find he has once had it in his thoughts: He talks indeed of *religious Rights* preserved or restored by the Revolution; but he plainly means such *Rights* as he now pleads for; such as are inconsistent with the Establishment of any Church; except perhaps *the Church of England TRULY so called* (as he speaks, p. 7.) and what kind of Church that is, neither I, nor (I believe) his Lordship can tell; for if the Church of *England commonly so called*, is not the Church of *England truly so called*, then

then the Church of *England* truly so called, is some Church not yet established, and what it may be who can tell?

The Legislature knows no religious Rights but what are contained in the Establishment of the Church of *England*, and therefore the Lords and Commons tell King *William*, that after the settlement of the Crown on himself, &c. in his first Year, *his Majesty's good subjects were restored to the full and free possession and enjoyment of their Religion, Rights and Liberties*, 12, 13 Will. III. Cap. 2. They knew of no religious Rights restored by the settlement of the Crown on King *William*, &c. but what are implied in the People's being restored to the free enjoyment of their Religion, as professed in the establish'd Church. If his Lordship knows of any other, yet he ought not to recommend them, as restored at the Revolution, which plainly knew nothing of them.

In a word; if all Governments in the world have a right to defend themselves as well against their own subjects, as others; and in consequence thereof to provide that the powers of the Constitution should be lodged in such hands only as are well affected to the Establishment: If all men have a right to guard their own consciences against the force of such as would impose that for Religion which they do not approve; and if it be reasonable to suppose that those who have once

at-



attempted, and succeeded in their attempt, to use their fellow subjects in such manner, are ready to do it again when they have power: And lastly, if it be justifiable to limit the Crown to the Communion of the Church established, in order to secure and preserve the Church: It is upon all these reasons justifiable to confine Offices of *power* and *trust* to the hands of such as are well affected to the Ecclesiastical Establishment of this Realm; and the Statutes which do so confine them are not chargeable with oppression, but are founded in the highest reason; the security and preservation of our Constitution.

But besides all this, there is one consideration more arising from the very nature of our Constitution, that makes the Test with respect to *Corporations* highly reasonable. 'Tis well known what an influence the Corporations have in one part of the Legislature: there are instances where a very few subjects in a little Town are represented in Parliament by as many members as the *largest* County chuses; and this being the Constitution, it concerns the *whole* to take particular care that Corporations be under the *government* and *direction* of such as are *Friends* to the *whole*; and to guard those *posts* especially, which if the adversary possessed, it would make *one* of them become equal in strength to a *thousand*. The natural strength of any Constitution lies in the affection of the people to it; and it may

may be allowed, that the *Ecclesiastical* Establishment (as far as it is in its nature changeable by humane Laws) ought to be agreeable to the sense of the Nation; but no common sense will allow that the *little* Towns of a County ought to govern the consciences of a County; and therefore since many little Towns have by our Constitution (of which 'tis not my intent to complain) such an influence, there is nothing more reasonable, than to provide that such *only* as are friends to the Establishment in *Church* and *State*, should have the direction of *them*. Either this is reasonable, or else it is reasonable to affirm that the *Constitution* in Church and State ought not be what the *Nation* likes, but what the *Towns corporate* shall think proper for them.

This consideration may be made more general, and extended to other Offices in the State; for tho' there are many Offices which men might execute, without being thereby enabled *immediately* to hurt the Constitution; yet the influence which such Offices give in the election of Parliament men, (a Power which accrues not from the particular nature of the Office, but from the nature of our Constitution,) makes it reasonable that such Offices should be confined to the friends of the *Constitution* in *Church* and *State*: This I say, is in some degree the case in general, but it more evidently appears in the case of *Corporation* Officers.

The



The Nonconformists of all sorts (including Papists as well as others) were computed to be in proportion to the members of the Church of England, in the year 1676. \* as *one to twenty*: A number in proportion too small to have any *natural* strength to hurt the Constitution; but if they were at liberty, and should apply themselves heartily to gain the Corporations, they might soon get such strength as might make them formidable; whilst others relying upon their numbers sat securely by. Whether this advantage in these circumstances ought to be given to the *one*, the *twenty*, I think, have a very good right to judge.

The case of the Corporations, and the influence they have in one part of the Legislature ought to be well considered, by such especially, as seem willing to part with the Test as far as it affects Corporations, and to preserve it with respect to other Officers. If it be reasonable to keep any power out of Dissenters hands, that Power certainly which gives them an influence in the Legislature; in making *Laws* for *Church* and *State*; ought *especially* to be kept from them. And it must upon the least reflexion appear very strange to advance a man to a share in ma-

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\* This is founded on a Survey of the Province of Canterbury, which was in the hands of the late excellent Bishop of London; and now in possession of his worthy Exetutor.

king Laws for the Nation, and yet to deny him all other Power.

Were the Dissenters fewer in number than they are; were they *one* to a thousand, yet I should think it unreasonable and unlawful to endeavour to end the difference by force: And so far am I from *disliking* the *Indulgence* allowed them, that I *like* the Establishment *it self* the better for this abatement in the rigour of its Laws. But if *Peace* and *Security* of *Conscience* will not satisfy without *Power* and *Authority* in the *State*, it ought to be no offence to them to be told, that we owe a regard to our *own* Consciences, as well as *theirs*; and that tho' we rejoice in *their* liberty, yet we see no reason to part with our own Security.

I have hitherto spoken of the Corporation and Test Acts in general, and the reasons on which they are founded. There will want but little to be said of the 25 of *Charles II.* in particular; and that only in respect of an Objection which concerns that Act.

This Act when it was made related particularly to *Papists*; and his Lordship, who can distinguish between a man's *Religion*, and the *certain*, necessary, *effects* of it; can see, without doubt, the reasonableness of a Test, or any other *disqualification* in this view. For my own part, as far as the argument for *Persecution* is concerned, I make no difference between one Religion and another;  
and



and can as little justify *hanging* a Papist merely for his *Religion*, as a Protestant. If therefore the Test Act be in truth a *persecuting* Law, it is bad in every view; but if it be only a reasonable provision for the *Security* of the *Establishment* against suspected enemies; it is good in every case where there is probable ground for such suspicion.

I need not say how much the Nation is indebted to this Act; it has once already saved us from the Power of Popery; and was a *Barrier* to the Protestant Religion in all King *James's* Reign: This was so evident that there was nothing this unhappy Prince laboured so much as the repeal of this Act; and when he could not get an *English* Parliament to concur with him, he took a bold Step to compass his design, and endeavoured to lay it *asleep* by a *dispensing* Power. His Declaration to this purpose is upon record in the *Annals* and *Histories* of that time; and if the Reader will be at the trouble to turn to it, he will find that the Bishop has been beholden to King *James's Declaration* for his arguments against the *Test*.

But this Act being designed for Papists in particular, it has been complain'd of that it was extended to Protestant Dissenters; tho' it is well known that *this* effect was foreseen at the time of making the Act, and might have easily been prevented, had the Legislature intended to prevent it. But let

this pass; it cannot be denied that *this* effect upon Protestant Dissenters was understood at the time the *Toleration Act* passed, and yet so far were the Legislature from preventing it *then*, that they expressly declared *all Protestant Dissenters* to be liable to it. Which Declaration was indeed a *re-enacting* of the *Test Act* with respect to the Dissenters. And from this time (at least) the *Test Act* does as directly affect the Dissenters as the Papists: And 'tis not worth while to dispute with *them*, whether they were put under this Act by King *Charles* or King *William*. But I recommend it to the Bishop to consider the proceedings of that Parliament of King *William*; they were no friends to *Persecution*; they released Dissenters from all *penalties*, yet thought it fit to extend the *Test Act* to them; and let him learn from hence (if he pleases) that *Persecution* is *one* thing, and excluding the ill-affected to our Establishment from places of *Power*, is *another*: Or if he can by no means part with his charge of *Persecution*, I hope he will not for the future *single* me out to bear it all, but will allow King *William* and his *Parliament* their due share; which will make his indignation, if not more *just*, yet more *generous*; for I am by no means considerable enough to be a proper subject of his Lordship's triumphs.

But that it may not be suggested that King *William* consented to as much as he could obtain



obtain from his *Parliament*, and left the *Test* in force, because the times would not admit a repeal; 'tis proper to inform the Reader, that he had declared his opinion in this matter before the Revolution. When King *James* attempted to repeal as well the *Test* as the *Penal* Laws, he endeavoured to gain the approbation of the Prince and Princess of *Orange*; and Mr. *Stewart* by the King's order wrote to Mr. *Fagel* upon that Head: Mr. *Fagel* in his answer delivers their Highnesses sense; that they could wish *Penal* Laws removed; but as to the *Test* they had a just aversion to the abrogation of it.

The last paragraph of Mr. *Fagel*'s answer to Mr. *Stewart*'s Letter, printed *Anno* 1687, as taken from the late History of *England*, is to this effect.

“ Lastly, (he concluded) that their Highnesses ever had, and were resolved ever to preserve a profound submission to his Majesty, as they thought themselves in Duty bound by the Laws of God and Nature; But since the matter that was then in hand related not to the making of new Laws, but to the total abrogation of those already made both by King and Parliament; their Highnesses did not see how it could be expected of them, that they should consent to such an Abrogation, to which they had so just an aversion; as being a thing that was contrary to all the Laws and Customs  
“ of

“ of all Christian States, whether Protestants  
 “ or Papists, who admitted none to a share in  
 “ the Government, or publick Employments,  
 “ but those who professed the publick and  
 “ established Religion, and endeavoured to  
 “ secure it against all Attempts whatsoever.”

This Letter is, I think, a full Answer to such as pretend to say that Dissenters from the National Church enjoy greater Privileges in *Holland* than they do with us. The *Prince* and *Princess* of *Orange*, and Mr. *Fagel*, knew surely what was the Constitution in that Country; and the Reader has their Sentiments, that it was contrary to the Laws and Customs of all Christian States, whether Protestants or Papists, to admit Dissenters to a Share in the Government, or publick Employments. And so true is this, that no *Arminian* in *Holland* is ever admitted into the Magistracy: And the Case is the same in *Sweden*, *Denmark*, the *Principalities*, and *free Towns* of the Empire, which profess the Protestant Religion. At *Dantzick*, as I am informed, three out of 18 Magistrates are allowed to be *Calvinists*, the rest, being *Lutherans*; a proportion so small, that it will hardly make an Exception to the general Rule.

I have now laid before the Reader the Reasons inducing me to wish the continuance of those Laws, which the Bishop has declared ought to be repealed. Whether his Lordship judged right when he suggested that I could  
 not



not be a well-wisher to these Laws, without being an Approver of *Persecution* the World must judge from what I have now offered.

As to his Lordship, I will beg leave to remind him of something which he ought to have consider'd himself before he had openly *declared* and *called* for a *repeal* of the Test Act. In the fifth of the Queen an Act was made introductive to the Union of the two Kingdoms, entitul'd, *An Act for Securing the Church of England as by Law establish'd*. In which Act it is provided, that an Act 13 *Eliz.* entitul'd, *An Act for Ministers of the Church to be of sound Religion*; and the *Act of Uniformity*, 13 Charles II. — And all other and singular *Acts of Parliament*, now in force for the *Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline, and Government thereof*, shall remain, and be in full force for ever. This Act is inserted *verbatim* in the Act of Union, and declared to be an *essential Condition of the said Union*, — an *essential and fundamental part of the — Articles and Union*. Since then all and singular *Acts in force* at the time of the Union, for the *Establishment and Preservation of the Church* are made perpetual, his Lordship should have considered whether the Test Act did not come within this Description; and the rather, because by an Act of Parliament 10 *Annæ Cap.* 2. it is declared concerning the *Corporation* and

and Test Acts, that both — were made for the security of the Church of England as by Law establish'd. Now if these Acts were, as it is declared by the Legislature, made for the security of the Church established: And if all such Acts are Fundamentals of the Union, and to continue in force for ever, his Lordship, as a private Writer, I presume ought not to have called for a Repeal. If this be permitted, what Jealousies may not be fomented? What Handle does this administer to Men otherwise disposed than his Lordship to break in upon the like Security which the Kirk enjoys, whenever they have Power and Opportunity?

I speak this of his Lordship as a private writer only: When the Legislature sets limits to their own authority, they must continue the Judges of those limits; and it would be great presumption in me to pretend to say, that this consideration does affect, or how it does affect the supreme Power; but there is at least so much appearance in it, as to make it very improper for private men to give judgment in the case; which yet his Lordship has done in the most express, (and indeed most reproachful) terms, by openly calling for a repeal of the Test Act.

I shall transcribe the words of the Union Act relating to the security of the Church of England, and so conclude this head.



*Quinto Anna,*  
*Cap. 8. Sect. 7.]*

“ **A**ND whereas it is  
 “ reasonable and  
 “ necessary, that the true Protestant Reli-  
 “ gion professed and established by Law in  
 “ the Church of *England*, and the Doctrine,  
 “ Worship, Discipline and Government there-  
 “ of, should be effectually and unalterably  
 “ secured; Be it enacted by the Queen’s most  
 “ excellent Majesty, by and with the advice  
 “ and consent of the Lords Spiritual and  
 “ Temporal, and the Commons in this pre-  
 “ sent Parliament assembled, and by authori-  
 “ ty of the same, that an Act made in the thir-  
 “ teenth year of the Reign of Queen *Eliza-*  
 “ *beth*, of famous memory, entituled, *An*  
 “ *Act for Ministers of the Church to be of*  
 “ *sound Religion*: And also another Act  
 “ made in the thirteenth year of the Reign  
 “ of the late King *Charles II.* entituled, *An*  
 “ *Act for the Uniformity of the publick*  
 “ *Prayers and Administration of Sacraments,*  
 “ *and other Rites and Ceremonies, and for*  
 “ *establisbing the form of making, ordain-*  
 “ *ing, and consecrating Bishops, Priests and*  
 “ *Deacons in the Church of England*, (other  
 “ than such clauses in the said Acts, or either  
 “ of them, as have been repealed or altered  
 “ by any subsequent Act or Acts of Parlia-  
 “ ment) and all and singular other Acts of  
 “ Parliament now in force for the establish-  
 “ ment and preservation of the Church of  
 “ *England*, and the Doctrine, Worship, Dis-  
 “ cipline

“ discipline and Government thereof, shall re-  
 “ main and be in full force for ever.

“ *Secl. 8.* “ And be it further enacted by  
 “ the Authority aforesaid, that after the De-  
 “ cease of her Majesty (whom God long pre-  
 “ serve) that the Sovereign next succeeding  
 “ to her Majesty in the royal Government  
 “ of the Kingdom of *Great Britain*, and so  
 “ for ever hereafter, every King or Queen  
 “ succeeding or coming to the royal Govern-  
 “ ment of the Kingdom of *Great Britain*,  
 “ at his or her Coronation, shall in the pre-  
 “ sence of all Persons who shall be attend-  
 “ ing, assisting, or otherwise then and there  
 “ present, take and subscribe an Oath to  
 “ maintain and preserve inviolably the said  
 “ Settlement of the Church of *England*, and  
 “ the Doctrine, Worship, Discipline and Go-  
 “ vernment thereof, as by Law established  
 “ within the Kingdoms of *England* and *Ire-*  
 “ *land*, the Dominion of *Wales*, and Town  
 “ of *Berwick upon Tweed*, and the Territo-  
 “ ries thereunto belonging.

“ *Secl. 11.* “ And it is hereby further en-  
 “ acted by the Authority aforesaid, that the  
 “ said Act passed in this present Session of  
 “ Parliament, entituled, *An Act for securing*  
 “ *the Church of England as by Law establish-*  
 “ *ed*, and all and every the matters and  
 “ things therein contained: And also the said  
 “ Act of Parliament of *Scotland*, entituled,  
 “ *An Act for securing the Protestant Reli-*  
 “ *gion,*



" *gion, and Presbyterian Church Govern-*  
 " *ment, with the Establishment in the said Act*  
 " *contained, be, and shall for ever be held and*  
 " *adjudged to be, and observ'd as fundamental*  
 " *and essential Conditions of the said Union:*  
 " *And shall in all times coming be taken to be,*  
 " *and are hereby declared to be essential and*  
 " *fundamental parts of the said Articles and*  
 " *Union.*

The second question is this.

Supposing it to be right to put Offices of *power and trust* into the hands of such only as are well affected to the Ecclesiastical Establishment; whether it be lawful to require of any man, who is willing to accept such Office, that he should communicate with the Church establish'd; and particularly that he should receive the Sacrament according to the rites and usage of it, in order to prove his Communion with it.

'Tis here to be observ'd that the Test Act obliges no man to receive the Sacrament. It may (and I doubt it too often does) prove a Temptation to a man to do, what otherwise he would not choose to do; but for such insincerity the *Receiver* and not the *Law-maker* is to answer. We ought not indeed to lay *stumbling* blocks in the way of our *brethren*; but the Legislature consider the receiving the Sacrament according to the *Rites* of the Church of *England* not only as lawful,

but as commendable in a Christian, and therefore they can in no sense be charged with *tempting* men to *sin*. But his Lordship's objection is more general; he argues that *Religion ought not to be a Civil Test*: In answer to which I told him, that *Religion* is the *Test*, whenever an Oath is required. His Lordship in his Reply would seem to deny this; and in order to it, has so confounded the terms of the question, that 'tis necessary to set them right before we go any farther.

1. *Religion* considered in its first principle and foundation, is that sense and persuasion which men have of the being and power of God, and of the relation they stand in to him as creatures and subjects.

The sense is the very bond and obligation, which tie men to God: And though in strictness of speech it may perhaps more properly be call'd the *Foundation* of all Religion, than Religion it self; yet the disposition which naturally arises from hence, and influences all religious acts and duties whatever, has entitl'd even the original *sense* by a common figure of speech, to bear the title of Religion.

2. The first and most immediate consequences from *this sense*, are, that we ought to love, fear, and trust in, God; as Creator and Governour. These are properly and strictly speaking *religious* acts of a rational mind.

3. The



3. The whole complex of man's bounden duty to God; deducible from this general *sense*, is properly called *Religion*.

4. Any branch of Religion, respecting immediately either God, our selves, or our neighbour, may by a figure usual with all writers be termed Religion: Thus it is Religion to love God, so also it is Religion to love our neighbour.

5. All particular duties as they regard God, may for the same reason be called *Religion*.

6. The coming in of the Gospel made no alteration in the Essentials of Religion. 'Tis just as *much* Religion *now* to love and fear God, and to obey him, as it was *before* the publishing the Gospel; and no more so. But it is to be observ'd, that our blessed Lord has commanded the Observation of some positive Institutions, intended to be *Signs* and Memorials to Christians of the *Grace* bestowed on them by God through Christ. These Institutions are ordained for the sake and for the preservation of *true* Christian Religion; and are called *Religion*, not because they are in their own *nature*, religious acts, but for the *relation* they have, to Religion through the institution and command of Christ Jesus, and to that truly religious disposition of mind, with which they ought always to be performed.

From this account I would observe,

1. That

1. That to *love, fear, and trust* God, as Governour of the Universe, are the first and most essential duties of Religion, and resulting immediately from the natural sense and disposition of a rational mind. That all particular duties flow from these; and consequently, that no particular duty can be called *Religion* in an higher sense, than *these* are so called.

2. That these essential duties are the Religion on which an Oath is founded.

The next thing to be considered, is the meaning of the word *Test*.

The word *Test* is a relative term, and always respects something that is to be testified. And therefore a *Test*, as 'tis applied to humane affairs, denotes a sensible evidence naturally tending to prove the thing doubted of. I say *naturally tending*, because no humane appointment can make any thing to be a sign of an inward disposition, which is not naturally so: An Oath is therefore a *Test* of the Witnesses veracity, because it naturally implies (the Religion of Man supposed) the strongest obligation and disposition to speak truth.

The word *Civil* added to *Test*, does not denote any thing that belongs to the *Test* it self, or that enters into the nature of it; but signifies merely the end for which 'tis required, or the use that is made of it. The Sacramental



al Test is called a *Civil Test*, not because the Act of *receiving* becomes a *Civil* or *Political* Act; by being made a Test, but only because the *end* for which it is made a Test, relates to the *Civil* State, and the *use* made of the Test is *political*, respecting the Government. So that in the *Sacramental* Test there is nothing *Civil* or *Political*, but as it is applied by the Government; on the part of the *receiver* it continues to be a *religious* Act, without any mixture of *Politics* in virtue of the Law: When it is brought before the Government, they consider the *Act* of receiving according to the *usage of the established Church*, only as implying the qualification which the Law intended in all Persons, who shall be in Office, &c. In this sense then *Religion* is made a *Civil Test*, that the Magistrate is enabled from thence to draw a consequence which he applies to *Civil Affairs*.

To apply this to the two cases before us.

An Oath is required of a Witness as a Test of his veracity. It is the act of a man considered as a *religious* creature; for take away the sense of Religion, and there is no pretence for requiring an Oath; since then an Oath has all its force from the Religion of the man, 'tis the Religion of a man alone that makes it a Test; for whatever it is that makes it *naturally signify*, what is intended or required to be signified by it, that it is, which gives it the *essen-*

*essential* properties of a Test: But 'tis the *Religion* of the man alone that makes his Oath *naturally* signify the veracity of his evidence in virtue of the strong Obligation it puts him under to speak Truth. 'Tis evident then the Religion of the Man is the Test whenever an Oath is required. And *Religion* here denotes the first and immediate Duties arising from the Knowledge of God and of our selves, as they are explain'd *Art. 2.* in the account of Religion. For whoever takes an Oath, does (as 'twere) pawn the love and fear of God which are in him, and all his trust and hope in God, for the truth and sincerity of his Evidence or Promise. And these internal Principles are the ground and foundation of all religious Acts whatever. No Test can be founded on an higher degree of Religion than this; no positive Duty can imply a greater degree of Religion than is contained in this general Faith, in these first Principles from which all Duties flow.

His Lordship has observed more than once, that we are not *bound* by Religion to *take* Oaths: And in this he places the great Difference between the Test of an Oath and the Sacramental Test; but his Observation does not come up to the Case. For an Oath is that Act of a Man by which his *Religion* is laid hold on; and tho' the Act it self be not commanded, yet the Religion laid hold on by that Act is commanded, unless his Lordship thinks



thinks that we are under no Command or Obligation to love, to fear, to trust in God.

The true Parallel stands thus:

We are oblig'd to believe in God, and to fear him, and to trust in him, in the virtue of the reason given us by God.

We are oblig'd to receive the Sacrament in the Church of Christ in obedience to an Institution of Christ; and consequently we are supposed to be in Communion with that visible part of the Church with which we receive the Sacrament.

When the Magistrate requires an Oath, he lays hold on the natural Sense and Obligation we are under to believe in, and to fear God; and grounds the Test on them.

When he requires the Sacramental Test, he lays hold of the Obligation we are under to communicate with that Church which we esteem to be a true part of the Church of Christ, and grounds the Test on it.

And the Reader has it now fairly before him to judge how far Religion is in both Cases a civil Test, and whether it be not at least as much so in the first Case as in the latter.

But if it shall be allowed that Religion has, by the common consent of Nations, been made a Test in Civil Matters; and consequently that his Lordship's Objection from the Nature of Religion in general is not good: Yet it remains to be consider'd in particular, whether there be any thing in the Institution of the

Sacrament that makes it unlawful for the Government to use it as a Test. And here it must be granted that if the Statutes, requiring the *Sacramental* Test, have added to, or taken from the institution of *Christ*, they are certainly unlawful; but if they have done neither, his Lordship has very unjustly charged them with *perverting* the *end* of the *Institution*.

To draw a just consequence from seeing a man do an act enjoined by *Christ*; is, I presume, no *affront* to the command of *Christ*; To argue from a man's obeying the Gospel, that he is a Christian, will hardly be taken for an *abuse* of the Gospel: So in the present case; to *conclude* from a man's receiving the *Sacrament* in the Church of *England*, that he is in Communion with the Church of *England* (which is all the *use* that the *Government* makes of the *Sacrament* consider'd as a *Test*) is surely as innocent a thing as any in the World. If the Bishop can shew that the *Laws* now in force *require* any man to *receive*, otherwise than a member of the Church of *England* ought to receive when not called upon by those *Laws*; or with any *view*, or *purpose of heart* contrary to the Gospel; let the *Laws* be condemned. I put the whole, that I have to say in justification of them, upon *this* issue; only desiring his Lordship not to charge the *Law* with the *hypocrisy* and *guilt* of such, as, he knows, despise the *Laws* of *God* and *man*.

The



The word *Test*, when applied to the *Sacrament* is a mere *external* denomination; it does not denote any thing belonging to the institution, or to the action of receiving, but merely the use that is made of it as an external sign. If the Government take it to signify what it does *naturally* signify, they are guilty of no impiety: And I am at a loss to find the great Wickedness in supposing that whoever receives the Sacrament in the Church of *England* is a member of that Church. And therefore I am surprized to hear his Lordship call this, *debasing the most sacred thing in the World into a political Tool and Engine of State*. These are very hard words; unless possibly they come within his Lordship's rule; *That Principles can neither give nor take affronts*, p. 265.

But perhaps his Lordship may say, that the fault lies in *requiring* men to receive the Sacrament according to the *Rites* of the Church of *England*: But before he does say so, I hope he will consider, that 'tis no great crime to require a man to do, what his *profess'd* Principles lead him to do. And therefore the Legislature are blameless in requiring the *Members* of the *Church* of *England*, to receive according to the *Rites* of their *own* Church: And his Lordship may know from hence that they intended to *require* it of *no others*; that when they found *others* did receive it in consequence of *these* Laws, they put a stop to all

temptations to such *abuse* of the *Law* for the future, by the *Occasional Bill*. And even as to the Members of the Church of *England*, they are no more *obliged* by *these* Laws to receive, than they are to take a place; and if they think fit to take a place, yet so much time is allowed (*i. e.* three months) for receiving the Sacrament, that it must needs be their *own* fault if they are not *well* prepared for it. So that in all views, the Legislature are guiltless of the *profanation* of the Lord's Supper, with which *they* have been so warmly and so indecently charged.

But after all (it will be said) that in fact many who receive upon account of Offices, do it in a very indecent manner, and come very ill prepared to this solemn a part of religious worship: *pudet hæc opprobria*; I am sorry there is so just cause of complaint in this respect. And in God's Name let the Ministers of the Gospel speak to the Consciences of their people; let them reprove their iniquity, and shew them that there will be *no profit in gaining the World, if they lose their own Souls*; and if this will not do, let them turn away the *open and notorious* Offenders from the Lord's Table; and tell them, they have *neither part nor lot in this matter*; for *their hearts are not right in the sight of God*.

I know his Lordship will think this to be a dangerous experiment; for he has a notion that the Test Act *forces Clergymen to give the*  
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*Communion to every Atheist, or Debauchee, who may be named to any Civil Office, unless he chooses to be ruined for not doing it, p. 50.* I perceive his Lordship's Law is of his own making, as well as his Divinity: The Reader may look into the *Test Act* if he pleases; but if he looks till Doomsday he will find nothing in it to force any Clergyman to give the Sacrament to every one, much less to every *Atheist* who may be named to a place: The *Test Act* leaves this matter just as it found it, subject to the Rules and Canons of the Church; and the Man who comes with a *Place* to receive the Sacrament, is in the same case as he who comes without one; and is liable to be refused for the same Reasons. If his Lordship would have studied the *Constitutions of the Church of England by Law Establish'd*, he might have known that the *Rubricks* before the *Communion-service* authorize the *Curate* to *repel* all open notorious evil livers; all who have done wrong to their Neighbours by Word or Deed, so that the Congregation be thereby offended; and, those betwixt whom he perceiveth malice and hatred to reign — provided that within fourteen Days he give notice to the *Ordinary*, &c. He might have known too that these *Rubricks* have the Authority of an Act of Parliament; and, in case of any Dispute, are as good a Rule to the Judges in *Westminster-hall*, as to the *Curate* of the Parish; and there-

therefore if the Curate does right, according to *these Rules*, in the *Church*, he can never suffer for so doing in *Westminster-hall*; and if he does wrong, he ought to suffer, whether the Person, injuriously refused, had a Place or no.

His Lordship, I suppose, may have heard in *common talk*, that a person who loses a Place by being refused the Sacrament, may have an action against the Curate for damages; I have heard the same often: But I desire his Lordship to take notice that there must be an *injury* done, as well as a *damage* suffered, to entitle a man to an action: And therefore let a man suffer what *damage* he will by being refused, yet if he was not *wrongfully* refused, the Law will give him no remedy: And whatever Clergyman acts according to the Rubrick, which is a rule prescribed him, as well by the Law of the *Land*, as of the *Church*, will be in no great danger of being judged to have acted *injuriously*.

Cases of this nature are properly triable in the Ecclesiastical Courts; but supposing, that by reason of the temporal damage sustained by loss of a place, a man may have an action in the temporal Courts; yet, I presume that he would not be allowed to proceed upon the *bare* allegation that he was refused the Sacrament; but he must aver that he was refused it *unjustly*, and *without sufficient reason*; And if upon the Trial it shall appear that the Cu-  
rate



rate did refuse him; but that he did it *justly*, and *with sufficient reason*; the complainer will be entituled to no remedy: The Rubricks, and Canons of the Church must be in that case the rule to judge by: And if the Minister has followed the *Rubricks* and *Canons*, he will be justified; if he has not, neither his Lordship nor I are concerned to enquire what will become of him.

I may venture then to tell his Lordship, (and I have some ground for my assurance) that the Test Act forces no Clergyman to give the Sacrament to *Atheists* and *Debauchees*, or any other offenders, if they be *openly* and *notoriously* such; if they are *such* only in *secret*, they are out of the question; for no Clergyman's conscience can be burdened by admitting an *unknown* offender to the Sacrament.

Should any Clergyman, forgetting his duty, refuse a parishioner the Sacrament out of passion or prejudice, or with any other sinister view, he must thank himself for what he shall suffer on that account: And he will deserve to suffer, whether his parishioner had a place, or had not one: But if he proceeds with discretion and Charity, and according to the rules prescribed him by *authority*, he has as little to fear from a man with a place, as from a man without one: And if he be unjustly and vexatiously sued for doing his duty, the Law will give him costs.

But

But it may be said perhaps; that it is enough to ruin a poor Clergyman (and many such there are) to justify what he *does well*, by the method of Law: If this be true, the more's the pity. But then I would have it observed, that this difficulty does not arise from the *Fashions*, and therefore it is not chargeable on it: but it arises from the course of our *legal* proceedings, and is common to all cases. A Clergyman may be ruined (and many an one has been) by suing for his *just* dues of Tythes and Offerings: And yet methinks it would be an injudicious complaint to quarrel with the Laws, by which the dues are claimed, on this account. If his Lordship can find a just and adequate remedy for this difficulty, he will merit the thanks of the Clergy; but 'tis absurd to charge *that* as the fault of *one* Law, which is common to all.

I know but of one difficulty more that can be made in this matter, which is this: It may be alledged that a Curate may have sufficient reason to himself to repel a man from the Communion, and yet it may be hard for him to make legal evidence, against the man, of the crime for which he refuses him. In answer to which I say, that a Curate of a Parish is bound to proceed by the rules prescribed him by the Church; and he cannot be answerable for not doing what the Church has given him no authority to do: 'Tis not every *private* sin that a man commits, that ought to ex-

clude



clude him from the Sacrament, tho' it should accidentally come to the Curate's knowledge: It is a proper ground for private admonition; but until it becomes an *offence to the Congregation*, it does not necessarily call for *open* censure. Of the three cases mentioned in the *Rubrick*, two of them require a *notoriety* of fact; and the third is so limited, that it must become *notorious*, before a man can be excluded for it; for though the Curate may repel those betwixt whom *he perceiveth* malice to reign, yet if the parties declare themselves to be in mutual Charity, they shall be admitted; or if one declares himself *content to forgive* — &c. he shall be admitted. And if any man upon admonition shall refuse these conditions, I think his want of Charity will be *notorious*. Since then no Curate is obliged in *duty* to repel a man from the Sacrament but for offences *open and notorious*, he will always have it in his power either to admit a man consistently with his own obligations, or to make clear proof of the reasons for which he repels him.

But after all the great cause of these disorders, is the neglect of the Constitutions and Rules of the Church: If no Curate would admit any to the Sacrament but his own Parishioners \*; and would require of them to

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\* Canon 28.

give him due notice of their intentions to receive †; many of the abuses and irreverencies now justly complained of would be prevented; *notorious* offenders would not offer themselves where they are well known; nor would any man dare to approach the Lord's Table indecently, when he knew himself to be under the observation of Curate and Congregation; whereas *strangers* who slip into Congregations, where no body knows them; if they have no Religion, 'tis no wonder that sometimes they have no decency. I know very well that the neglect of these *good* orders has been suffered so long, that private Curates *can* hardly hope to succeed in attempting to restore them; but 'tis proper matter of consideration for our *Superiours*, and to them I submit it.

The result of his Lordship's reasoning, p. 147, 148. affords us another Objection against the *Test Act*, viz. That it is a worldly motive to induce *Christians* to the *same one certain profession in religious matters, and to the same one certain form of Words and Ceremonies in publick Worship*. I would to God it had produced this effect! I should rejoice (however his Lordship complains) to see the *Test Act* grow useless and out of date by the general Conformity of the People of this Nation.

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† Rubrick before Communion.

But



But in the mean while, I must tell his Lordship that the Act was made for no such purpose; the intent was to keep Dissenters out of the *State*, not to force them into the *Church*; which may appear in part from hence, that their Meetings were tolerated by the *very Act*, in the first of *William* and *Mary*, which *expressly* extends the *Test* to them.

But whatever the intent was, it may be said, the effect is, that men are tempted by this Act to outward Conformity, and are made Hypocrites: I allow it to be so; and what then? Why, Hypocrisy is a very evil thing, and no man ought to have a temptation to it laid in his way: True still; and his Lordship might know that to prevent this was one reason of the Occasional Bill: But tho' all such Hypocrisy cannot be prevented; yet consider, are they who encourage Virtue and true Religion answerable for the Hypocrisy of those, who will pretend to Virtue and Religion in order to share in the Encouragement: If they are, then 'tis in it self a wicked thing to encourage Virtue and true Religion; and a father is a wicked man who rewards *one* son for *doing well*, because thereby he may possibly tempt another to *make a shew* of doing well: A Gentleman in the country who shews some mark of favour to his poor neighbours who religiously attend the publick service of God, is really by so doing drawing upon himself the wrath of God, by laying a

temptation before others to make an *appearance* of being better, than really they are. If these consequences are good, then I am sure that, "The worship of God and the neglect of it, Religion and Irreligion *ought* to be set on an equal foot in this world": But if they are false; his Lordship's objection against the Test has no weight in it, and it will be *lawful* to *do right*, notwithstanding that some perhaps may make a *wrong* use of our so doing. But this general reason, is calculated to serve more purposes than one; and there will be occasion some time or other to recal it to examination. In the mean while I shall take leave of this part of the Argument; not intending (without very good reason) to be drawn into it again; for altho' I have for the sake of Religion, and of this Christian Church; both which (as I still conceive) must suffer by his Lordship's principles; been content to enter into a controversy: yet I do not design that it shall grow to be the employment of my Life. His Lordship has by prescription a right to the last word in every Controversy; and I am willing he should have it in this.

If there be *Reason* in what I have offered, it will prevail with *reasonable* men; if there be not, I am not so *unreasonable* as to desire it should.





## P A R T II.

**I** Come now to consider what his Lordship has offered to shew how *little* Religion there is in an Oath compared to the Religion of the Sacrament. The Bishop has found a *great difference* between *these two Cases*, and introduces it by five Observations, which are intended to remove the *two Cases* out of sight; in order, I suppose, to enable the Reader the better to judge of their difference.

1. The two first Observations give a very good account of himself, to which I have nothing to say.

2. The third Observation begins with acknowledging the *lawfulness of Oaths*, and so much is clear gain; but it goes on to affirm that they are not *made use of upon the Principles of Religion* properly so called; but that *the actual use of Oaths in humane Society is entirely founded upon the political principles of Reason, and the common good of Mankind, with respect to their civil concerns only*, &c. p. 187.

His Lordship's accuracy here, is much to be observed; he does not say *an Oath* is founded on political Reasons, and respects Civil concerns only; but that *the actual use of an Oath* is so founded,

founded, &c. for certain it is that an Oath, to *one who believes* a future Judgment, respects his *spiritual* concerns; which are as much endanger'd by a deceitful Oath, as by an hypocritical use of the Sacrament: If his Lordship thinks otherwise, I desire him to shew that an offence against the first Principles of natural Religion, is a less Crime than an Offence against a positive Institution.

With the like accuracy his Lordship affirms, That *the actual use of Oaths in humane Societies respects Civil concerns only*. His Lordship, you see, does not affirm that the actual use of Oaths respects Civil concerns only; and therefore he says, the actual use of Oaths in *humane Societies*, &c. *i. e.* when Oaths are used to a Civil purpose only, then they *respect Civil concerns only*. 'Tis his Lordship's Doctrine that humane Societies are founded *only* for Civil purposes, and have nothing to do with Religion; and therefore for him to say, that the actual use of Oaths in *humane Societies respects Civil concerns only*, can afford nothing but this self-evident proposition; That when Oaths respect Civil concerns only, then they do respect Civil concerns only.

As to the natural use of Oaths, it extends it self to all matters where Truth and Veracity are concerned. Whatever may be affirmed, or promised, is capable of being confirmed by an Oath. His Lordship promised to do many things when he was consecrated (which do not respect Civil concerns) had he been called  
upon



upon to confirm the Promise by an Oath, he would hardly have said that an Oath was not applicable to such purposes; and he knows that in many Colleges the Members do *swear* that they will be guided by the holy Scripture, and not prefer any humane Authority before it; and yet Colleges are *humane Societies*, though they do thus *actually use* an Oath for purposes not *only Civil*.

In the old Testament and the new, God himself is represented as confirming his Promises by an Oath, in matters of all others the most *spiritual*; and particularly as appointing Christ, by an Oath, to be a Priest after the order of *Melchisedec*. Now this ascribing an Oath to God in holy Scripture, sufficiently proves that an Oath in its own Nature is not confined to Civil concerns only. And as God swears to his People, so his Lordship may find the People under the Law frequently taking a solemn Oath to him *to walk in his Laws*; which related, as I suppose will be allowed, to more than *Civil concerns only*. And therefore when his Lordship affirms, that were it not for the use of Oaths *in Civil concerns only*, they would be forbidden by Religion in all cases, as they are in *some*: His Affirmation is contrary to Reason, Experience, and the Examples of holy Writ. And what are the *some Cases* in which Religion forbids Oaths? Why truly *profane* and common Swearing is forbid, *i. e.* Oaths are forbid where there is not a *case* which requires the use of them, and this his Lordship calls

calls forbidding them in *some* cases; and the prohibition of Scripture, which was plainly intended to preserve a regard to the *sacredness* of an Oath, is made an objection by the Bishop against the *Religion* of it.

His Lordship observes farther, that the *use* of Oaths is *entirely founded on the political Principles of Reason, and the common good of Mankind*. What then? So are many others the most essential Duties of Religion; for Man being made by God for Society, he is put under such religious Obligations to God as tend to the Benefit of it; and if I understand what his Lordship means by political Principles of Reason, they, and those of Religion lead to the same conclusion; and therefore the *use* of an Oath being founded on political Principles, &c. will not prove that an Oath is not a religious Act. For consider, 'tis a Duty to love one another; and *the actual practice of this Duty is founded in political Principles of Reason, and the common good of Mankind*; and yet, I hope, 'tis not for that less a part of our Religion, to love one another; nay, whatever practice is contrary to the *common good of Mankind*, cannot flow from Religion: And therefore to assert that the use of Oaths is founded in the *political Principles of Reason, and common good of Mankind*, in order to shew how little of Religion they have in them, is an Argument so entirely his Lordship's own, that I know no Body who will be ambitious to share the Honour of it with him.

His



His Lordship concludes this Observation with these Words; *and it is one thing I think for a Practice not to contradict the Principles of Religion, and another thing to be performed upon the Principles of it*; giving us to understand that 'tis his Opinion that the practice of Oaths does not contradict Religion, but that *it is not performed upon the Principles of it*.

I am sorry the heat of Controversy should draw from the Bishop such a Doctrine; for if any thing be certain 'tis this, that the use of Oaths is founded, and the practice is performed upon the Principles of Religion: For take away the Principles of Religion, and there can be no use of Oaths. It will be allowed, that to believe the Being of a God is a *Principle* of Religion, take away this and no one would be so stupid as to require an Oath. The Reason Mr. Locke gives, as I remember, for not tolerating Atheists in civil Societies, is this; that Atheists having no Religion, cannot give the Security for performing of Contracts, upon which all Societies are founded; and if a Man's Promise cannot be taken but upon the Principles of Religion, much less can his Oath, which is more immediately founded in them; and altho' it be not a *standing* and *necessary* part of Religion to take Oaths (and the Reason is because there is no constant occasion for taking them) yet the religious Observation of Oaths, taken as occasion requires, is commanded in the Law of God. *Numbers xxx. 2.*

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If his Lordship means by an *Oath's not being performed upon the principles of Religion*; that 'tis not part of a man's Religion to take an Oath, but that he may perform the Duties of Religion tho' he never takes an Oath: It is in one sense true; in another not so: 'Tis true that no man is obliged from the internal Principles of Religion to take an Oath; but the intervention of a lawful Command requiring his Oath, may make it become his duty to take it. If the People of *Israel* had refused to swear to the Covenant, *Deut. xxix. 12.* which God made with them, and to walk in his Laws, when duly called to it, it had been a breach of duty: So in the case of the Sacrament: 'Tis no part of Religion from the internal Principles of Religion; but it is made so by the intervention of a lawful Command: But what is this to our purpose? The Question is, whether Religion be not the Test whenever an Oath is taken; how is this answered by saying, that Religion does not oblige men to take an Oath, merely for the sake of taking it? If whenever they do take it, *Religion is the Test*, then his Lordship must find some other Argument against the Sacramental Test, besides this, that *Religion* ought not to be made a *Civil Test*.

3. The fourth Observation relates to what I had said, intimating, that the Bishop could not name the *people* who had not used Oaths: His Lordship in answer refers to the Quakers; a worthy



a worthy People! I used the word *People* as it signifies a body of men of the same Country, under the same Government; his Lordship rather than want an answer chose to misunderstand the word; and the Quakers are called forth to bear their Testimony against the common sense of all Nations to which the Appeal was made, and yet even the Quakers dispute rather the *Name* than the *Thing*; for their *solemn Affirmation* is indeed an Oath, and agrees to the definition given by *Cicero*, and the best Writers after him, of an Oath, that it is *Religiosa Affirmatio*. If a modern Historian reports rightly, the Bishop might have found a better Instance; for it is recorded of the People of *Peru*, that an Oath was not in use among them; but that they required only a simple Promise of the Parties to tell the Truth to the *Inca* or *King*.

The latter part of this fourth Observation has this peculiar Beauty in it, that it contradicts the Grounds laid down in the third. There we are taught that the use of an Oath is *entirely* founded on *Political principles of Reason*; here we are told that the Quakers scruple the use of an Oath *thro' the misunderstanding of a few Texts, and the not considering them with respect to the principles of natural Religion, and of human Society*. If considering the Texts with respect to the principles of natural Religion, would have eased their Scruples; it must be because Oaths are founded on the *principles of natural Religion*

ligion, and if so then Political principles are not the only ground on which they stand; unless by *Political Principles* the Bishop meant *Principles of natural Religion*; and intended to build the difference these Observations are to introduce, upon a mere variety of Sounds.

4. The fifth Observation is spent entirely in misrepresenting the State of the Controversy; and was for that reason, I suppose, ordered to bring up the rear, and to stand close by the Reader, whilst his Lordship shewed the difference between the cases under consideration.

To argue against me, says the Bishop, as if I had maintain'd it, *to be impious to require it*, that is, the same Test of a man's honesty that is required in every trivial cause, viz. to require an Oath of a man, when he is admitted to a place of trust, is I confess in a peculiar manner unaccountable, when I had not said one word about IT, pag. 188. i. e. about requiring an Oath. I desire the Reader's patience whilst I produce the words which gave occasion to this.

There is not a cause, be it never so trivial, tried in Westminster-Hall, but RELIGION (observe) is made a Civil Test; and is it right, my Lord, to require this Test (i. e. of Religion) of a man's honesty in a five shilling cause; and is it impious to require it, when he is admitted to a place of trust in the Government? His Lordship would have the



the Reader suppose from hence that I charge him with maintaining that 'tis *impious to require an Oath* of a man when he is admitted, &c. The truth is so far otherwise; that the Argument supposes his Lordship not to charge impiety upon requiring an Oath as a Test of honesty. But his Lordship had, and does maintain that it is impious to require the Sacramental Test; and he gave this reason for it, that it was *making Religion a Civil Test*. The question then was whether *Religion* might be a *Civil Test*. I shewed him a case, (which I supposed him to allow) in which *Religion* was a *Civil Test*, and that in cases of little concern; and then asked him, *is it impious to require it*, (not an Oath as his Lordship says; but *Religion as a Civil Test*) *when a man is admitted to a place of trust, &c.* And now let the Reader judge how justly the Bishop complains.

The Bishop goes on: *It is observable that this worthy person is not here endeavouring to shew that I have advanced a general principle which must be false, because it tends to this consequence, that all Oaths are unlawful in Courts of Judicature: but in effect charges me with pretending to great discoveries, against the constant usage of Oaths by mankind, &c. To what purpose he himself best knows.*

The Bishop surely penned this in confidence that he should never more hear of it: for the very contrary to what the Bishop here asserts, is the truth of the case. The Bishop  
built

built his objection against the Sacramental Test upon this principle, that *Religion ought not to be a Civil Test*; I told him in answer, that Religion was the Test whenever an Oath was required; the use of which was allowed of, and practised every where. The argument then is evidently this: That principle which proves the use of an Oath to be unlawful, is false, and contrary to the sense of mankind.

But this principle, that *Religion ought not to be a Civil Test*, proves the use of Oaths to be unlawful.

This is what the Bishop affirms I did not endeavour to shew, this is what I affirm I did endeavour to shew: And *he* that has eyes to see, let him see.

The cause being now sufficiently puzzled, and the Reader prepared by having his notions darkened, the *differences* which his Lordship has found in the two cases are permitted to make their appearance. The first remarkable thing that occurs, is the great fairness with which the Bishop relates the point under debate: he proposes to shew that *no argument can be drawn from the allowed use of Oaths, to the ABUSE of a sacred Institution*, p. 188.

I presume this passage could hardly be intended to make any part of the *appearance* of Charity, which his Lordship has told me he is resolved to maintain. But I come to his Argument, which is branched out into five Heads;



Heads; all which are to shew how little Religion is concerned in the case of Oaths, compared to the great concern it has in the Sacramental Test.

The first Head is introduced by these words.

1. An Oath is called Religion only as 'tis founded upon the supposition of believing in God, under the notion of an Avenger, &c. What his Lordship means by the word *only* in this passage I cannot understand, unless his aim be plainly to lessen the Religion of an Oath, and to that purpose *only* be added; his Sense then is this, there is so little Religion in an Oath, that there would be no Religion at all were it not for this *only* that 'tis founded, &c. If this be a diminution of the Religion of an Oath, I doubt there can be but little Religion in the World; for I will venture to affirm of all religious Acts and Duties whatever, that they are Religion *only* as they are ultimately founded in Faith towards God, as Governour of the World. If his Lordship should affirm, that 'tis Day-light *only* because the Sun shines; the Philosophy of this assertion would answer the Divinity of the other.

2. His Lordship adds. *It (i. e. an Oath) does not in its own nature extend so far as to suppose the person to believe a future State; but only that there is a Being, or perhaps many Beings who will pursue him with vengeance if he be perjur'd.* Had not the Bishop elsewhere  
ex-

explained his notion of Religion, this objection against the Religion of an Oath could not have been understood. But his Lordship has declared, that *the belief* (of future rewards and punishments) *is that alone which renders our best actions Religion.* — And when they do not flow from hence they cease to be Religion. What difference there may be in Mens minds, and in their apprehensions about the same thing, I cannot say; but for my self this I say, that this Doctrine appears to me to be very pernicious and destructive of true Religion: All rewards and punishments *suppose* a Duty, had not Men therefore a sense of Religion, and of the duties of it, they could have no sense of rewards and punishments upon the account of Religion; and consequently the duties of Religion are the same, whether considered with or without the Sanctions. To make then the *Essence* of Religion to consist merely in the regard had to the views of a future State, is to make the Sanction of the Law antedecent to the Law it self.

2. Upon the Bishop's state of the Case Religion is not founded in the relation between God and Man, or in the sense of duty arising from thence, but in pure selfishness; we are religious not out of a sense that we ought to serve God, but out of a sense that we ought to serve our selves. There is no natural beauty in Religion that we should desire it, no comeliness in the Service of God to move us; but



But all Religion is the result of hope and fear for our selves, and we obey God not because 'tis our duty, but because our hopes or our fears constrain us so to do. This Doctrine is in its proper place, when it appears in the School of Epicurus, and I can bear the Poet's saying,

*Primus in orbe Deos fecit timor;*

But I am surprized and ashamed to hear a Christian Bishop assert, *That the practice of what is called Vertue and Charity, is not truly Religion, unless it be founded upon and guided by the Motives of another World,* pag. 151.

Whereas the practice of Vertue and Charity founded upon a sense of duty to God, is most certainly true Religion: our hopes and fears do not make it Religion; for were it not in itself Religion, our hopes and fears would have as little to do with it, as they now have with the most indifferent actions of our Life.

3. I have heard of many good Christians, who have been troubled in mind out of an apprehension that they have been too much moved by Hope and Fear; and that the sense of their duty has had too little influence on their actions: But now it seems another care must take place, and we are to fear, lest any thing but *Hopes and Fears* have been the motives to our Obedience; since, in his Lordship's judgment, *our best actions cease to be Religion, if they flow from any principles but the Hopes and Fears of Eternity.*

4. That Rewards and Punishments are proper motives to keep us to our duty, is very certain; but that there should be no Religion, or that it should be impossible to perform any religious Duty without *their* immediate influence, is what Religion it self must ever disown. 'Tis the imperfection of our condition that makes it necessary to apply to our Hopes and Fears; but were we in such a perfect State that there was nothing left to fear, or to hope for, yet surely we could not cease to be religious, without forgetting God and our selves. And I trust that when things *future* shall become things *present*, and the Blessed of God shall enter upon a glorious immortality; when such Hopes and Fears shall be at an end; that then the Angels and the Spirits of just men made perfect shall for ever serve, worship and adore their Maker, and that the security and perfection of their State shall not put an end to their Religion.

Yet after all, allowing his Lordship's Notion of Religion's being built upon the Hopes and Fears of Futurity, certain it is, that a Christian's Oath lays hold even on those Hopes and Fears; and therefore Religion (even in this sense) is the *Test*, when a *Christian* swears. And consequently no Christian ought to be put to his Oath, if the Bishop's Principle be true, that Religion ought not to be a *Civil Test*.

After these deductions made from the Religion of an Oath his Lordship goes on to others,



others, and tells us that an Oath supposes a Being, or perhaps many Beings, who will pursue Perjury with vengeance.

In answer to which 'tis sufficient to say, that a *Christian's* Oath is founded on the belief of *one* God; and therefore in this respect the Religion of a *Christian's* Oath is not diminished. If therefore a Christian may lawfully swear in *Civil matters*, then Religion may lawfully be made a *Civil Test*. But to what purpose does his Lordship mention the many Beings, or Deities, with regard to whom the *Heathens* took Oaths: Will this take any thing from the Religion of an Oath? If every thing must lose the name of Religion which was once corrupted in the Heathen World, I doubt we shall have little left: And the Bishop may, whenever he pleases, shew that *Faith, Charity, &c.* were once founded in the belief of many Beings, as well as the use of Oaths.

His Lordship adds: *But whether the punishment shall be in this world, or in another, does not enter into the essence of the matter: i. e. of an Oath.* Yes; just as much as it does into the essence of *Charity* or *Faith*: For those who believe that God will punish *Perjury* only in this world, believe the same with respect to all other wickedness. And therefore this observation belongs no more to an Oath, than to every other religious Act. This consideration, properly speaking, does not enter into the essence of Religion; and therefore

there may be Religion without it, and yet it (i. e. the belief that Perjury will be punished in another world) is of the essence of every Christian's Oath.

His Lordship indeed has placed (as we have seen) the essence of Religion in the influence of future Rewards and Punishments; but 'tis hard to be constant to Error, and therefore his Lordship himself has solved this difficulty of his own proposing. *If God himself has threatned temporal Judgments, the being moved by these, as they come from God, is still an act of faith in him, pag. 233.* And I hope an *Act of Faith in God* is a religious Act; and then there may be Religion, by his Lordship's confession, which is not founded on the only motive of future rewards and punishments.

The Religion of an Oath being now brought low, the Bishop goes on to magnify the Religion of the Sacrament. *On the other side, the Holy Sacrament is called Religion, as it is part of the religious worship in the Congregations of Christians.* An Oath he allows to be founded in the *belief of God, as an avenger.* And I will venture to tell the Bishop in few words; that to *believe in God, and that he is a rewarder of those who seek him, &c.* is as essential to Religion as any positive Institution, (and such is the Sacrament) of the Gospel can be.

But what does this argument amount to? let us try it. *The Sacrament is part of the*  
reli-



*religious worship in the Congregations of Christians: An Oath is not a part of such worship: Ergo, there is little Religion in an Oath; and a great deal in the Sacrament.* Now if this Argument be true; it must be so, in virtue of this Principle; *that nothing is strictly and properly Religion, that is not part of the religious worship in the Congregations of Christians.* And if this principle be true; then St. James's account of true Religion is false; he affirms that *to visit the fatherless and widows in their affliction, is pure and undefiled Religion before God:* But we all know that such visits are not paid in the Congregation as part of our religious worship; and therefore by the Bishop's rule, there is no Religion, strictly and properly speaking, in them.

The Bishop's second head turns upon this; *that an Oath is not appointed by God; It is no command among the commands of Religion — whereas the Eucharist is the positive Institution of Christ, and the celebration of it his command to his Disciples.*

All this is founded upon mistake, and the Bishop is disproving what was never asserted: I had said, *that Religion is the Test whenever an Oath is required;* in answer to which his Lordship says, that an Oath is required by men, and not made necessary by a command of God. Supposing all this true, what is it to me? The question is whether Religion be made a Test when an Oath is required; let who

who will require it or command it, is nothing to the purpose.

But an Oath, says his Lordship, is not Religion. Suppose this too: Yet 'tis the act of a man, by which his Religion is made the Test of his veracity in matters both civil and religious. He that takes an Oath pawns all his Faith, Hope, and Trust in God for the truth of what he delivers. This is the Religion which an Oath lays hold of; and if his Lordship can shew that Faith, Hope and Trust in God, are humane appointments and contrivances, he may then set the Religion of the Eucharist as much above them as he pleases. In the mean time I would recommend it to his care not to weaken the Foundations of Religion; which once subverted, all Institutions for preserving Religion, as well divine as humane, must fall to the ground.

And if his Lordship shall ever think fit to enter into this Argument again, I wish him to consider how the Case stood under the Old Testament, before he repeats his Assertion, that an Oath is no Command among the Commands of Religion. Out of many Texts to this Purpose, I will quote but two. In Deut. vi. 13. we find this positive Command, *Thou shalt fear the Lord thy God, and serve him, and shalt swear by his Name:* And Isaiah xlv. 23. we read these Words of God; *I have sworn by my self, the word is gone out of my mouth in righteousness, and shall not return; that unto me every knee shall bow, every tongue shall swear.* Where



the Reader may observe, that the *solemn worship* of God, and *solemn swearing* by his Name, are both joined together as *Acts of Religion* by God himself, tho' his Lordship says expressly, an Oath is *very improperly called Religion*, pag. 189.

His Lordship begins his third Head with asserting, that an Oath was *contrived* for the *service of humane Life in this World*. Contrived by whom? By Men, I suppose, he means. An Oath indeed is *appointed* or *required* by Men in many Cases; but that 'tis an humane *Contrivance* is his Lordship's Discovery. A Test of an inward Disposition cannot be contrived, because nothing can be such a Test that does not naturally signify the thing required to be signified: And therefore, if an Oath does not in its own Nature signify a Disposition and Obligation to speak Truth, and to perform Covenants, no *Contrivance* can ever give it such Signification.

But however, let it be a *Contrivance*; still it was a *Contrivance* to make *Religion* a *Test*, and his Lordship allows it to be a lawful *Contrivance*: And the consequence must be, that *Religion* may lawfully be made a *Civil Test*, which is the thing I affirmed, and the thing his Lordship denied. It is affirmed, that the end of an Oath is, *wholly secular and worldly*. I have already shewed his Lordship, that this Observation is ill grounded, and have given Instances of the Application of an Oath in Cases that are not  
secular

*secular and worldly.* What I have now to add is, that supposing it true, 'tis nothing to the purpose. Religion (say I) is made a Civil Test when an Oath is required. An Oath (says his Lordship) is confin'd to Cases that are *secular and worldly.* And what then? Need we contend about this? If Religion is the Test when an Oath is required, and an Oath be confin'd to *evil Matters*, it follows very strongly, that Religion is a *Civil Test* whenever an Oath is required. Yet (says his Lordship) here lies the difference, the Sacrament was not *instituted* for the *purposes* of this Life. To which I answer, that it was as much instituted for the purposes of this Life, as Faith and Hope in God, since this Faith and Hope are principally intended to be preserved by it. And these are the Religion on which an Oath is founded. And therefore there is no difference in this respect between the Religion, which is the Test in one case, and that in the other. As to what his Lordship here adds about the *perverting* the Sacrament, *and turning it from its original Design*, it has been already considered; and all that appears, is, that his Lordship has no distinct Notion of this Matter, and seems to know as little of the Law in this Point, as he tells us, he does in the Case of the Supremacy. And as there is no *turning* and the *instituted* of Christ to *Purposes* of this Life, by any Law or Statute relating to the Test; so this whole third Head is built upon a Mistake in point of Fact, upon supposition that

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the Law has done what it never attempted to do.

The fourth Head has nothing to do with the Question before us; it has no relation to the *Religion* that is made the Test, either in one case or the other; but to the *use* made of the Test it self, which is quite another matter. The Bishop says an Oath is not an instrument of *Partiality*, but of *Justice*, which may or may not be true, as the case happens: He affirms also, that the Sacramental Test is *the means of Partiality*; which I have shewn not to be true in the present Case. But 'tis possible that Religion may be made a Test, in order to serve an ill Purpose. And yet there may be no ground to affirm with his Lordship, that Religion *ought not to be made a Civil Test*. When an Highwayman makes you swear not to prosecute him, or discover him, the Oath is very ill applied, and to the Obstruction of Justice: And yet it would be ridiculous to argue from hence against the nature of the Test, required in an Oath, in all Cases whatever. So in the other case, supposing the Sacramental Test to be ill applied in one Instance, what is that towards proving that the Sacrament is abused whenever 'tis made a Test, because *Religion must not be a Civil Test*.

If all that his Lordship means is, that he dislikes the purposes intended to be served by the Sacramental Test, let him argue his Political Case upon Political Reasons; and

let Religion be left out; and not brought in only to make the *shew*; when something else in reality lies at the bottom.

The fifth Head is a long one; but to make amends for its length, it has the less of substance. His Lordship begins with observing, *that few are excluded from the use of Oaths*; and in the other part of the comparison complains, that the *holy Sacrament* is made the instrument of excluding many Christians and Protestants from — Civil Offices. Here the Comparison is lame; the parts of it are not suited to one another: *Few are excluded from the use of Oaths*; the other part of the comparison then should be, *but many are excluded the use of the Sacrament*. Which is not true; for the Test Act excludes none who are willing to take it; so far from it, that his Lordship complains that it tempts many to take it against their Judgment. If we try the comparison the other way, and begin with what his Lordship says of the Sacrament first; that *it is an instrument of excluding Christians and Protestants from — Offices*; then the difference, which the Bishop endeavours to shew, between the Test of an Oath and of the Sacrament, by thus comparing them together, requires that it should be denied of an Oath, that *it is the instrument of excluding Christians and Protestants — from Offices*: But neither is this true; for the Oath of Supremacy excludes many Christians; the Oath of Allegiance many Protestants; from Civil Offices. So that in



in whatever view you take it, this comparison will yield nothing to the Bishop's purpose.

But allowing the Bishop all this, yet his main Point is not advanced: For, if *few are excluded from the use of Oaths*; and if *many are excluded from Offices by the Sacramental Test*, yet it will not follow, that *Religion is not the Test in both cases*; or that there is *less Religion in an Oath*, than in the *Sacrament*. Nay; the very contrary follows from the Bishop's own argument in this place: The reason why *few are excluded the use of an Oath*, is, as his Lordship tells us; *because, to be allowed to take an Oath, is the right of all who profess to believe a Providence*. But the *Sacrament* none but Christians can take: And now, Reader, judge of his Lordship's argument: Thus it stands;

An Oath is founded upon that principle and belief which is *common to all men* who have *any Religion*: The *Sacrament* is founded on a principle and belief which none but *Christians* have: Therefore there is *less Religion in an Oath* than in the *Sacrament*. Whereas it must needs be, that those principles of Religion, (such as the belief of a God, and of his Providence) which are common to all religious profession, and without which no Religion could be professed, are as properly and strictly Religion, as any principles can be, and the obligations arising from them, make strictly *religious Duties*.

The five *Observations*, and the five *Heads* of difference being thus displayed, his Lordship collects all his *own* Mistakes, and calls them, *the Argument drawn from the use of Oaths*. He is pleased to give us in about seven Lines five Properties of an Oath; every one of which is either false, or nothing to the present Purpose, as I have distinctly shewed: All therefore that I have to say to the Argument *dressed up* by his Lordship, is this, That I had no hand in it; it is not the Argument from the *use of an Oath*, as I urged it; but 'tis his Lordship's own entirely, and if he is pleased with it, I have no inclination to disturb his enjoyment. This way of *putting Arguments and Propositions upon* an Adversary is an art *peculiar* to his Lordship; it may be a good *cover* for a *bad* cause; but can never be a proper *defence* of a *good* one: The *conclusion* of his Lordship's *Answer* is all spent in *such* misrepresentations; which shews plainly to every *intelligent* Reader, *where* his Lordship places the greatest *strength* of his cause.

But give me leave here to wonder that a *Christian* Bishop should *take* so much *pains* to undervalue the *Religion* and *Sanctity* of an Oath, which the very *Heathens* had in the greatest veneration: the *Egyptians* punished *Perjury* with death, as including two the greatest Crimes; *Impiety towards the Gods*, and a *subversion* of the strongest *foundation* for *trust* between men.



Look into Grotius, Sanderson, Puffendorf; they all define an Oath to be a solemn religious Assertion; and Puffendorf expressly says, *Rectè Juramentis SUMMA RELIGIO tribuitur* \*. Sanderson more fully, *Quod autem (Juramentum) sit actus religiosus: constat primo ex auctoritate Scripturæ, Deut. vi. 13. ubi Moses ita populum alloquitur, Dominum Deum tuum timebis, & ipsi servies, & per nomen ejus jurabis. Ex quo loco concludunt uno ore Scholastici, juramentum esse actum cultûs (ut illi vocant) Patriæ, i. e. cultûs sacri soli Deo debiti: Constat secundo ex CONSENSU OMNIUM POPULORUM, apud quos, etsi unius naturæ lumine ducerentur, sanctissima semper est habita JURAMENTI RELIGIO; usque aded ut ipsa sanctitatis, Religionis, aliaque his cognata vocabula apud rerum Gentilium Scriptores vix ullâ aliâ in re frequentius usurpata occurrant, quàm in hac materiâ Juramentorum: Et quum plurima ipsis alia sacra haberentur, Jurijurando tamen soli, non aliâ de causâ quàm quòd inter tot sacra facerrimum quodammodo esset, peculiari quodam Jure SACRAMENTI nomen remansit. — Constat tertio ex evidentissimâ ratione: quia Juramentum tendit in honorem DEI; per agnitionem veritatis, scientiæ justitiæ, & potentiæ divinæ. You see how this great man asserts the Religion of an Oath, from the authority of Scripture; the consent of*

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\* De Jure Naturæ, pag. 332. Amst. 1704.

*all People; and the evidence of Reason: But all this could not restrain his Lordship from writing down the Religion of Oaths; and for this only reason, because it stood in his way: A reason which has often carried his Lordship into great extremes: I remember once, when he was urged (in a dispute about Government) with the example of our blessed Saviour's suffering as applied by St. Peter, he made no scruple to affirm ——— That the example of our Lord is much more peculiarly fit to be urged to SLAVES ——— than to SUBJECTS \*.* A Doctrine which will make the ears of a *Christian* tingle; and ought to make him read with caution a Writer so fond of his own notions, as to take *such* steps to defend them.

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\* *Answer to Dr. Atterbury, pag. 65. His Lordship's Observation at full length stands thus. I cannot forbear making the two following Observations ——— and likewise, That the Example of our Lord is much more peculiarly fit to be urg'd to Slaves; by whose Condition he is pleas'd frequently to describe his own low Estate, than to Subjects, whose Condition is never us'd to the purpose, and whom he never is said to perfonate in his lowest and most oppress'd Condition.*



POST-





## POSTSCRIPT.

SINCE the Second Edition has been in the Press, I receiv'd the following Remark from a very worthy Friend in the Country: It relates to a Fact which does not affect the Merits of the Cause; but I am willing to rectify any Mistake, and therefore think fit to add the following Remark in the Words of my Friend.

As to what you say at p. 58. that it can't be suggested, that King *William* consented to as much as he could obtain from his Parliament, &c. ----- Dr. *Calamy*, at p. 439. of his Abridgment of Mr. *Baxter's* Life, writes thus —  
 “ His Majesty (King *William*) in one of his Speeches to  
 “ the Two Houses (in the Year 1689, and before the pas-  
 “ sing the Act of Indulgence, as he has placed it) told  
 “ them, He hoped they would leave room for the Ad-  
 “ mission of *All Protestants*, that were willing and able  
 “ to serve him, which was a thing would tend to the bet-  
 “ ter uniting themselves, and the strengthening them against  
 “ their common Adversaries. Pursuant hereto, when the  
 “ Act for Abrogating of the Oaths of Allegiance and Su-  
 “ premacy, and appointing other Oaths, was read a se-  
 “ cond time in the House of Lords, a Clause was order'd  
 “ to be brought in, to take away the Necessity of receiv-  
 “ ing the Sacrament to make a Man capable of having an  
 “ Office. Such a Clause being after reported to the House  
 “ was rejected by a great Majority.

After this he says, (at p. 440.) “ Another Clause was  
 “ inserted by the Court-Party in the aforesaid Bill, by  
 “ which it was provided, that any Man should be suffi-  
 “ ciently qualified for any Office, Employment, or Place  
 “ of Trust, who within a Year before or after his Ad-  
 “ mission or Entrance thereinto, did receive the Sacra-  
 “ ment of the Lord's Supper, either according to the  
 “ Usage of the Church of *England*, or in any other Pro-  
 “ testant

"testant Congregation, and could produce a Certificate  
 "under the hands of the Minister and two other credible  
 "Persons, Members of such a Protestant Congregation.  
 "The question being put, whether this Clause should be  
 "made part of the Bill, it passed in the negative.

From these two Passages it seems to appear, that King  
*William* did what he could at his accession to the Crown,  
 and after, to have exempted the Dissenters from the Test,  
 or at least from the taking it in the Church of England.  
 It is also very plain, that they would not refuse to take  
 it (*for Offices*) in their own Congregations, if they could  
 gain that point; and yet that practice would be liable to  
 all Bishop *Hoadly's* Objections. They never made the  
 least objection against the Naturalization-Act, when it  
 was in force; which required foreign Protestants to re-  
 ceive the Sacrament in any Protestant Congregation; not-  
 withstanding what Mr. *Peirce* \* writes, whose words I will  
 beg leave to transcribe; for perhaps you have not the  
 Book by you. ----- "the Parliament did never design to  
 "guard against the Dissenters by the Test Act; but only  
 "against the Papists; however the Act has been since  
 "basely abused. For tho' 'tis true, those who first de-  
 "vised the Act, used not to attend our Assemblies; yet  
 "'tis well known they were *favourers* of the Dissenters,  
 "and friends to our Civil Liberties. The Law it self  
 "has been censured by Dissenters and Churchmen, as  
 "unjust and *ungodly*; and if our Adversaries had had any  
 "regard to the honour of Christianity, they would long  
 "ago have earnestly solicited the Repeal of it, &c.

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\* *Vindication of the Dissenters*, pag. 284. Part. I. *A Book,*  
*which gives the true Spirit and Principles of the Dissenters.*

F I N I S.